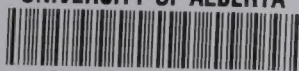


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1839

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UPPER CANADA.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 14 June 1839;—for,

COPIES of DESPATCHES from Sir *George Arthur*, and Lord *Glenelg*, dated 20 November 1838, and 31 January 1839, relating to the Financial State of the Province of UPPER CANADA.

(No. 91.)

COPY of a DESPATCH from Major-General Sir *George Arthur*, K.C.H., to Lord *Glenelg*.

Government House, Toronto,
20 November 1838.

My Lord,

IN my despatch to your Lordship, No. 56, of the 11th of August last, I had the honour to transmit, for your Lordship's perusal, a copy of a communication which I had addressed to the Earl of Durham on the 30th of June preceding, on the subject of Crown Lands and Emigration, wherein, in connexion with it, I took occasion to advert to the causes which had tended to produce derangement in the finances of this Province, and stated that its resources had been anticipated to an extent that was felt to be embarrassing.

Occupied as I am upon matters of the most urgent nature, it is of the greatest importance that I should without delay bring this matter under your Lordship's notice in a more special manner, as, in the ensuing meeting of the Provincial Legislature, the question of how the pressing pecuniary demands of the Province shall be satisfied, will require to be discussed; and, in anticipation of such discussion, I would wish to receive your Lordship's instructions on the point which I beg leave to submit to your consideration.

In your Lordship's circular despatch to Sir Francis Head, of the 31st of August 1836, your Lordship states, after some preliminary observations, "With this view, I have to desire that you will not permit any Act or Ordinance, or Proclamation or Regulation to come into operation in the colony under your government, relating to the local currency and circulating medium, or to the rates at which coins shall pass current or be a legal tender, or to the circulation of promissory notes or other paper, either by the local government or by any corporate bodies or individuals, without having first received His Majesty's sanction, conveyed to you by the Secretary of State."

This despatch, having been submitted to the House of Assembly by my predecessor, formed the subject of an Address to him from that body, inquiring "if he would be prevented from giving the Royal Assent to any Bank Bill in future;" which Address, together with his reply to it, Sir Francis Head transmitted to your Lordship, in his despatch, No. 10, of the 5th of February 1837, the receipt thereof being acknowledged in terms of approbation in your Lordship's despatch, No. 162, of the 19th of April following.

6 January 1837.

16 January 1837.

Fully concurring in the view taken by Sir Francis Head respecting your Lordship's instructions, as stated in his reply to the Address referred to, I am desirous of adhering to them as strictly as I am able; but, as the very peculiar circumstances of the Province may render unavoidable some departure from them, I wish to be prepared to meet possible contingencies.

I venture, therefore, to suggest to your Lordship, that in the event of such a measure being proposed in the Legislature, I should be provisionally authorized to give the Royal Assent to any provincial enactment, having for its object to allow the Receiver-general to issue on the credit of the Government bills or notes payable in Toronto, at 12 months after date, to the extent of 100,000*l.*, to be used as a circulating medium, and made chargeable on the prospective revenue of the Province.

That such, or a similar measure, may be rendered necessary by events, I consider highly probable; and it appears to me, as far as I can judge at this moment,
that

that no other so well calculated by its simplicity to effect the desired object could be conveniently resorted to.

Though the cases are not exactly parallel, yet in illustration of the principle, and as affording a precedent for such a course of proceeding, I would instance the circumstance, that during the last war in these colonies, bills of the description I have mentioned were issued by the Provincial Government, and were found, as a temporary resource, of the utmost value to the public service.

Debentures payable in the Province are altogether unsaleable from the want of local capital, and debentures payable in London, where alone they are negotiable, have been already issued to a larger amount than has yet found purchasers.

With reference to these debentures, the accompanying letters from the Receiver-general (enclosing others addressed to him by Messrs. Baring), and report of the Executive Council on the subject of their contents, will put your Lordship in possession of every necessary information respecting the circumstances under which they were issued; and your Lordship will at once perceive, that however powerful, and certainly they are very forcible, may be the arguments used by Messrs. Baring against the mode of their negotiation, yet that they could only have been made available for the immediate and urgent wants of the Province through the medium of the local banks, in the manner which was practised.

In drawing the attention of your Lordship to the measure here suggested, I would wish to impress upon your Lordship, that, viewed as a continued system, I consider the issue of Government paper, not convertible into specie, to be detrimental to the credit of the Province, and calculated to displace the more wholesome convertible currency. Unless, therefore, I could see before me a prospect of financial relief, founded upon a sound and simple basis, I should not look for any good result from mere temporary expedient.

Though large in proportion to its actual revenue, the debt of this Province has been mainly incurred through incidental causes, namely, the construction of public works, the outlay on which is commensurate less with the country's present productive wealth, than with the development of which its vast natural resources are susceptible. Hence, the investment not being immediately profitable, the burden of the interest payable on the public loan is thrown on the ordinary revenue raised by means of taxes intended to meet only the current public expenditure.

As compared, however, with similar public debts incurred by different States of the neighbouring Republic for the promotion of national objects, the debt of this Province is but small, while future resources, and the wants of an increasing population, have been here anticipated to a far less extent.

The Americans have also borrowed money on more disadvantageous terms than those obtained by this Province, the existing laws of which only permit the Government to negotiate in London loans at par, bearing five per cent. interest; whereas the Americans have not hesitated to raise money on the best terms that could be obtained, and which latterly have been productive of a loss varying from five to ten per cent. on the amount of the borrowed capital.

The unhappy troubles with which this Province has been visited, the doubts that have been raised as to the permanency of its political institutions, assisted by the expression of opinions in quarters whence the colonies justly looked for support, and the threats of armed interference in our affairs by the American citizens, with the attempts made to carry them into execution on various occasions, are circumstances which have naturally tended to induce a feeling of insecurity, and a consequent depreciation in the value of property, which is beginning to be most severely felt.

The present inconvertibility of property leaves without the means of meeting their engagements those who have become indebted on its security, and comparatively trifling liabilities are thus found sufficient to work the ruin of individuals hitherto believing themselves opulent, and who would actually be so, could they realize what they own.

By the same unhappy causes the ordinary influx of immigration and British capital has been suspended, so that anticipated revenue from public works has not been forthcoming, from the want of means to complete them.

Your Lordship may give me full credit when I assure you that it is this state of things, more than any theoretic differences in regard to politics, which renders the Government of this country, to the satisfaction of the community, so difficult as to be almost impossible; and I cannot blame, or be surprised at, the discontents of a people who, though connected with the most powerful empire on the earth, are nevertheless

No. 1.
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9 August 1838.

nevertheless enduring evils usually attendant only on the prostration of national strength.

It is not in my power, my Lord, to retrieve the almost withered hopes of Upper Canada ; nor will the suffering inhabitants be able of themselves to sustain their fortitude in the immediate neighbourhood of a powerful hostile population, and in the rear of a rebellious province. I see very clearly that if the present state of things be suffered to continue for a much longer period, there must be a general wreck of property ; and although eventually public prosperity may be restored, and may give to the young, the ardent, and the unencumbered, an opportunity of growing rich, yet it will not restore to those who have been prosperous the well-earned fruits of former industry, nor replace the present holder of property in the possessions which will have passed from him.

The effects of the moral deterioration which, it is to be feared, all this is working in the people will finally make these provinces indeed untenable and worthless, since the energies of their inhabitants, which can alone render them of sufficient value to be worth retaining, will be unavailable, unless supported by the feeling that the protection and security which the governed naturally look for from their Government, are afforded to their full extent.

The means, my Lord, of averting these impending evils, are not to be sought for in the Province, but in the mother country ; and all will depend upon the opinion of the British Government as to the desire and power of England to retain the country in the face of all opposition.

The present friendly professions of the Government of America may be sincere, however contradicted by the outrageous conduct of her border citizens ; but there is no real security for their continuance ; and the question is not whether Canada can be held during a time of peace, but whether in peace or war it is to be protected, or contended for, with the power of the empire.

Assuming that your Lordship holds an affirmative opinion in this matter, the bright side of the prospect presents itself, and I see little difficulty in producing the most desirable results from the bold and decided measures that must follow.

It will be obvious to your Lordship, that the prosperity of the colony must mainly hinge upon the progressive development of its resources, by the united agencies of immigration and British capital.

The preliminaries to the efficient employment of these great means will be comprised in placing the Province in a state of complete defence, and in raising the credit of the colony in the British markets. This will attract capital seeking a profitable investment, that will inspire confidence as well to the borrower as the lender ; for, my Lord, it must be remembered that capital is diverted from this country to other channels, merely because a doubt has been engendered as to the permanency of its political institutions. To induce emigration on a scale commensurate with the importance of the object which it is intended to promote, I would respectfully suggest to your Lordship, that it should be directly facilitated as a great national measure, and considered as that best calculated to preserve, at perhaps the least expense, the connexion of the colony with the parent state.

Your Lordship is aware to how narrow an extent the resources of this Province have hitherto been tried, in the way of taxation levied on the trade of the country. Were the imposts increased to even one-half of the amount, in proportion to property, raised throughout the American Union, the provincial revenue, provided that tranquillity and confidence were restored, would be in a flourishing condition, and the interest on the public debt could be met with facility ; but, unfortunately, the want of a sea-port places it beyond the power of the local Government and Legislature to make any addition to the import duties ; and even could this be effected, the want of confidence that is at present felt would prevent the measure from being attended with an immediate beneficial effect upon the public credit.

Without now discussing in what manner Upper Canada is to be permitted to have a port of her own, I trust I am not wrong in supposing that the giving her access to the sea will form a prominent feature in any remedial measures that may be proposed in her behalf in the British Parliament.

When this is accomplished, the revenue may be at once materially increased, without the slightest injury to trade, without anticipating future resources, and without producing any discontent. The very best security would, at the same time, be available to the public creditor, as a certain portion of such revenue might be inalienably set aside for the liquidation of the public debt.

I look, my Lord, upon this prospect as a substantial foundation for the measure I am about to propose. The preservation of this Province as a colony is essentially in the hands of England: let England, then, assume the pecuniary responsibility, and offer the security which the Province cannot furnish, of the permanency of its government. Let it not rest as a mere matter of opinion amongst money lenders, but upon the broad basis of British guarantee. The sum which would be required to liquidate the whole public debt of the Province, is small, in comparison with the interests which would be secured and promoted by that liquidation; and the British Treasury might negotiate a loan upon its own security in London at little more than half the rate paid at present by the Province.

The benefits accruing to the Province from such a measure would be incalculable. The public works in progress might be completed and made productive; all doubts respecting the intentions of the mother country would be removed; and, when peace was restored, the immigration of men of property to Upper Canada would re-commence, instead of contribute to swell the resources of a foreign, and an unfriendly country. Nor should we then see, as now, the labouring population of the Province drawn into the United States, to be there employed with money raised in England.

My Lord, I have good reason to know that many thousands of Her Majesty's subjects have merely passed through this Province, and crossed into the United States, because English capital, which was to afford them the means of profitable employment, was to be found there instead of here. While such is the case, it is unjust to eulogise the United States as being so excellent a market for British manufactures; for, were the facts reversed, in proportion as we had British capital so should we employ it profitably to ourselves and to the advantage of those investing it.

By means such as these, this country would rapidly increase in value and importance to England; and perhaps, at some future period, would prevent the loss of the American trade from being felt, when by the employment of British capital and British artisans, the United States shall have been enabled to establish rival manufactories within their own territory.

To be effectual, such a measure of relief as is here suggested, should, in my opinion, be immediate; for if it be delayed until the general settlement of other matters relating to the colonies, the time I fear will be gone by when its application would prove most salutary.

The payment of one or two years' interest from the capital advanced, would not, I trust, be considered sufficiently objectionable to warrant the rejection of a plan whereby so much good may be accomplished; and I can assure your Lordship, that by causing it to be promptly and decidedly carried into effect, Her Majesty's Government would acquire the lasting gratitude of a whole people, whose happiness and prosperity they would have been, in such case, so instrumental in promoting.

I have been the more induced to enter into these details in proportion as I have become sensible of the importance of the matter to which they have reference.

Anticipating a stormy and an unsatisfactory session, scarcely anything could give me greater satisfaction when I meet the Legislature, than the power to offer from Her Majesty's Government the great boon to Upper Canada which I have here ventured to solicit on her behalf.

By granting it, many of my difficulties would be materially overcome; and, whilst thus affording to the community so great an earnest of the desire of Her Majesty's Government to promote as well their present as their future welfare, I should look forward with confidence to the speedy restoration of public tranquillity and security.

I have, &c.

(signed) *George Arthur.*

FINANCIAL STATE OF UPPER CANADA.

5

Enclosures in Sir *G. Arthur's* Despatch of 20 November 1838.

— No. 1. —

Receiver General's Office,
Toronto, 31 July 1838.Enclosures in
Sir *G. Arthur's*
Despatch,
20 November 1838.

Sir,
I HAVE the honour to enclose to you a letter, dated 14th June, from Messrs. Baring Brothers & Co., just received by me, for the particular information of his Excellency the Lieutenant-governor, and beg leave to state that their communication, dated the 20th October last, was transmitted by me to the Government here on its receipt.

I have, &c.

(signed) *John H. Dunn*, R. G.

The Hon. John Macaulay, Private Secretary,
&c. &c. &c.

(Original per St. James.)

Sir,

London, 20 October 1837.

THE preceding is copy of the letter we had the honour to address you on the 14th instant, which we confirm, and would now beg further to remark, in respect of the unsigned dividend-warrants therein mentioned, that as the bonds have not passed through our hands, and we have received no particulars from you, by which we could determine the genuineness of the coupons, we cannot consider ourselves liable for the amount of any forged ones we may pay. We shall, of course, use our best discretion in paying the dividends; still, as the warrants have no mark on them to serve as a guide to us, it will be impossible for us to discover those of a fictitious character. We hope that no loss will result in consequence of the irregularity above mentioned; but should the case prove otherwise, we feel that it cannot proceed from any inattention on our part, and we have therefore thought it right, to prevent any misunderstanding between us, to trouble you with these observations on the subject.

We have, &c.

P.S.—Since writing what precedes, we have received a letter from Messrs. Bosanquet & Co., of which the annexed is a copy, and we likewise annex a copy of our reply for your Government. You will perceive that much difficulty will be experienced in the disposal of the bonds in our market, in consequence of their not having, as is usual in such cases, passed through our hands, or any information furnished by you, to enable us to answer inquiries from the holders of the bonds as to the authenticity of the signatures attached to them. We regret the irregularity which has arisen on your side in the issuing of said bonds, and we hope you will be enabled, on receipt of this, to devise some plan regarding them, as will have the effect of removing the feeling which exists against them at this moment among our stock dealers. It has heretofore been our custom to have the negotiation of loans, when the dividends on which are made payable at our counting-house; and as this is the system generally pursued in this country, we must beg respectfully to decline paying any of the dividends on any future issues on debentures, unless they are passed through our hands in the usual way.

The Hon. H. Dunn,
Her Majesty's Receiver-General.

Sir,

London, 14 June 1838.

WE have been duly favoured with your esteemed letters of 7th, 20th March, 3d April, and 1st ult., the former advising your drafts, together 10,000 *l.*, Nos. 199 to 204, on account of the Government, which we enter accordingly. By the two last, you inform us of a fresh issue of debentures, to the amount of 5,000 *l.* and 10,000 *l.*, the numbers, &c. of which are duly noted.

In referring you to what we had the honour of communicating to you in our letter of 20th October last (of which we enclose copy as you do not seem to have acknowledged receipt), with regard to the sale of bonds with you which do not pass through our hands, but have the dividend-warrants made payable at our counting-house, we must again repeat our objections to that course, which we believe to be as prejudicial to the interests and credit of the Colonial Government, as it is contrary to our system and European usage. On our part, we object to having our names inserted on stock, the issue of which has not had our previous knowledge and consent. We have every confidence in the resources and good government of the Province of Upper Canada, but we do not wish our names to be connected with loans, of which neither the amount nor the periods of negotiation are previously communicated to us.

On the other hand, the credit of the Government is injured by parcels of bonds finding their way to this market (where they must all ultimately come), through different channels, and being offered by different parties, whilst the public is not officially informed whether any and what limit is to be put to this irregular system of borrowing. The interests of the Province are likewise injured, because the sale of these casual parcels interferes with the realization of what we hold for the Government, depresses the price, and discourages buyers.

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We

We are convinced, that by adopting a more regular system for these operations, the finances of the Province would be materially benefited; but should you, Sir, and the Government continue to think differently, we must most respectfully repeat, that we beg the name of our house may not be inserted in the dividend-warrants of any bonds that are not sold to us or through us.

We have, &c.

The Hon. J. H. Dunn,
H.M. Receiver-General, Toronto, Upper Canada.

(signed) *Baring Brothers & Co.*

— No. 2. —

Receiver-General's Office,
Toronto, 8 August 1838.

Sir,

IN reply to your communication of the 6th instant, I have the honour to report to you, for the information of his Excellency the Lieutenant-governor, that during my absence in England last year, his Excellency Sir Francis Head directed the gentleman performing my duty to dispose of to each of the Banks the undermentioned sums in debentures, amounting together to 138,650 *l.* sterling, and to make them payable, together with the interest, at Messrs. Baring Brothers & Co. of London. This was a departure from the usual course which had been adopted by me, and it appears to be objected to by Messrs. Baring & Co. I suppose that Messrs. Barings, who contracted with the Government, through me, for the sum of 200,000 *l.* sterling, at the rate of 10 *s.* premium for each 100 *l.* sterling, hold (or their friends hold) a large portion of these debentures, and may desire to dispose of them; and as long as debentures are sold here to parties and transmitted to England to various agents, who have no interest in the transaction but to realize the sale of the debentures, and expose them to sale, and perhaps at improper periods of the money market, will have the natural effect of depreciating such stock.

When contracts for loans of money are made in the City of London, the purchaser with whom the contract is made feels interested in keeping up and supporting the credit of such stock, but when sold in this Province, and fallen into promiscuous hands in London, to be realized for as much as it will bring in that metropolis, it will, and must have an injurious tendency on the credit of the Province. Messrs. Baring Brothers & Co. are made the agents for paying dividends on the debentures without their sanction, and whilst their house appears on the face of these debentures, I am not surprised that they should feel anxiety on the subject, not having any certainty as to the extent of the issue of debentures which may take place here.

On my return to this Province I induced his Excellency not to sell any more debentures within the Province, but to send them to London. Accordingly I was desired to transmit 60,000 *l.* to Messrs. Baring & Co., which I accordingly did, but the Debenture Acts confined the sale to five per cent. in London, and Messrs. Baring could not, nor have they yet been able to make sale of them at par, and they remain in their hands.

The pressure for want of monies to keep some of the public works from going into ruin, and the necessity of prosecuting others this season, left no alternative but to sell debentures in this Province to such parties as would give par value for them, although it would have been a saving to the Province to have sold them in London under par; the difference would have been made up by the premium on exchange. This would not have been according to the law, and by selling them for the value of 100 *l.* sterling here, the law has not been violated.

The present state of the public debt to this day stands thus :

Issued in Upper Canada, interest and principal paid here, 195,830 *l.* currency.

Issued in London, interest and principal paid there, 929,650 *l.* sterling.

There remains a debt due by Messrs. Thomas Wilson & Co. of about 83,000 *l.* sterling.

Messrs. Glynn, Halifax & Co, have paid dividends on the 400,000 *l.* sterling, contracted for by Messrs. Thomas Wilson & Co. from January 1837, making now three half-yearly periods of interest, which will amount to about upwards of 30,000 *l.*, and which is contemplated to be repaid to these gentlemen by dividends arising out of the debt of 83,000 *l.*

The Committee of Finance of the last session of the Legislature has made a long and full statement of the public finances of the Province, which is now printed, and to which I beg most respectfully to refer.

I have, &c.

(signed) *John H. Dunn, R. G.*

Sums in debentures issued to the following banks during the Receiver-general's absence, under the direction of Sir Francis Head, viz. :

	£.
To the Bank of Upper Canada	44,100
— Commercial Bank	44,050
— Gore Bank	49,500
— Agricultural Bank	1,000

£. 138,650 sterling.

FINANCIAL STATE OF UPPER CANADA.

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— No. 3. —

Sir,

Receiver-General's Office,
Toronto, 29 September 1838.

IN reply to your letter of the 28th instant, with its enclosures, I have the honour to state, for the information of his Excellency the Lieutenant-governor, in relation to the means of raising money for the various public improvements now in progress,

The debentures at 6 per cent., authorized to be raised in this country, are unsaleable. I have advertised and made myself satisfied that, under existing circumstances, these debentures cannot be sold. The debentures payable in London, at five per cent. per annum, I think can be disposed of here at about par. These debentures must, of course, be made payable on the face of them, at some house or firm in the City of London; and I am not aware, or am I authorized by any offer of their services to the Government of Upper Canada, for such an undertaking. It appears by Messrs. Baring Brothers & Co's. letter, under date the 4th June last, that they decline being made agents for debentures sold in Upper Canada under these circumstances; and it appears to me that the Government cannot issue any more until Messrs. Baring's permission be obtained, or some arrangement can be made with some other house in London to act as agents in these transactions, which will require a full and complete investigation into the finances of the Province before I could expect to obtain the consent of an agent.

I lament to observe, that I can see no way by which money can be procured for the public works until Messrs. Barings either consent to permit their house to be the agents, or some other agent be appointed, which will take time; and, as it is now late in the season, perhaps the Legislature will devise other resources for meeting the demands of the province.

I have, &c.

(signed) *John H. Dunn*, H. M. R. G.

The Hon. John Macaulay, Civil Secretary,
&c. &c. &c.

— No. 4 —

Executive Council-chamber at Toronto,
Thursday, 9 August 1838.

Present:—The Hon. Robert Baldwin Sullivan, Presiding Councillor.

The Hon. William Allan.

The Hon. John Elmsley.

— Augustus Baldwin.

— William Henry Draper.

To His Excellency Sir *George Arthur*, K. C. H., Lieutenant-Governor of the Province of Upper Canada, and Major-General commanding Her Majesty's Forces therein, &c. &c. &c.

May it please Your Excellency,

THE Executive Council have perused with much concern the report of the Receiver-general on the subject of loans negotiated in this Province, payable in London.

The Council are not disposed to dispute in any particular the statements and arguments used by the Receiver-general, and by the house of Messrs. Baring Brothers & Co., in the letters accompanying that officer's report, as to the injurious tendency of forcing a negotiation of loans, under unfavourable circumstances in the money market, and of negotiating these loans without the knowledge of the agents by whom the interest had to be paid; or of the negotiation of loans at any depreciation, to the injury of the holders of debentures formerly issued.

The Executive Council feel bound, however, to state circumstances which appeared of paramount necessity, and which will, it is hoped, excuse the measure adopted by this Government in your Excellency's mind, as well as the house of Messrs. Baring Brothers & Co., whose complaints appear not to be without foundation.

Upon the commencement of the crisis in the mercantile affairs of the United States, reports injurious to the credit of the London houses connected with American trade found their way into this Province, and serious apprehensions were entertained by this Government as to the safety of balances belonging to the Province in the hands of the London houses.

These reports induced his Excellency Sir Francis B. Head to direct Mr. Draper to proceed to England, to cause the adoption of some measure of security, and to prevent the dishonour of bills of exchange drawn upon London by Government.

The Receiver-general applied for leave of absence, and proceeded to England at the same time.

Debentures payable in the Province were found unsaleable, in consequence of the scarcity of money throughout America.

The greatest distress in the mercantile affairs of the Province arose, and there was every prospect of its being aggravated to a great and dangerous extent by the stoppage of the public works, undertaken under Acts of Parliament previously passed.

Advices from England continued to be discouraging; and from these it appeared that there was no prospect of the immediate sale of debentures in the London market, where American securities appeared to be peculiarly unacceptable.

The house of Thomas Wilson & Company suspended.

It was represented to the Government that extensive losses would accrue from the decay of the works undertaken, and from the breach of contracts with undertakers of public works and delay in their accomplishment.

The Provincial Parliament was specially summoned to devise measures to meet the crisis which had arrived.

One of the measures of relief adopted, was giving authority to the Government to issue debentures payable in London, in lieu of those payable in the Province found to be unsaleable.

The House of Assembly adopted this measure in anticipation of the debentures being purchased by the banks in this Province, who might use them in raising funds in London, either by way of sale, or by adding their own credit to that of the Government, and thus obtaining advances.

The Act was so drawn as not to leave it in the power of the Government to sell debentures under par; this was in conformity with all the other Acts authorizing the negotiation of loans.

The balances in the hands of Messrs. Wilson & Co. appeared to be in jeopardy, and the Government could not take the responsibility of sending large amounts of public securities to agents in London.

If they were so sent, it did not appear probable that they could be sold at par, and therefore the sending them as a means of immediate relief, would not have the desired effect of giving immediately available funds.

By a sale to the banks in the Province, these funds became immediately available.

It was necessary to name some house in London at which the dividends on the debentures should be made payable.

Under the pressure of these circumstances, the Council most reluctantly assented to the sale of debentures in the Province, and at the time, it did not appear that the banks entered into the transaction without considerable risk; as if depreciation in American securities had continued to increase, they must have been severe losers, notwithstanding their gain by the exchange.

The Council were under the full impression that the transaction would have been immediately explained to Messrs. Baring & Co., and their approval under the circumstances obtained, which they regret extremely was, however, not promptly done.

After the return of the Receiver-general to the Province, upon his reporting favourably of the perfect stability of the house of Messrs. Baring, and upon his statement that he was so well assured of the debentures being saleable in London, a further sum of 60,000 £. was transmitted to that house for sale.

It appears, however, that to this day they are not saleable at par, according to law.

The expenditure which these debentures were expected to cover was in consequence obliged to be borne partly out of the sum raised in the Province, though this appropriation was certainly not strictly legal, and partly by a renewal of the measure of disposal of debentures in the Province, adopted with the approval of the Receiver-general.

Had the debentures first negotiated by the banks been sent to London in the usual manner, as the sum of 60,000 £. was afterwards sent, and had they been drawn against at once, which was the only way of meeting public exigencies, and had they proved unsaleable, the bills must have been protested, and the credit of the Province would have been ruined. This was a risk which the Council could not incur, from any considerations of expediency or advantage in the transaction.

The Council, in their own justification, beg to state, that the measures for the negotiation of the extensive loans authorized by Parliament were in no wise Government measures; they originated altogether in the House of Assembly, and their adoption was not witnessed by the Council without serious fears of consequent embarrassment.

The Council have made this general statement of the principles upon which they felt themselves compelled to act, and they humbly conceive that subsequent events have not proved the want of judgment in the measures advised by them; they endeavoured to proceed with safety, and if profit was in any degree sacrificed thereto, the Council hope that the state of public affairs will prove a sufficient excuse for their proceedings.

While the Council admit the principle, that the interests of holders of public securities should be most tenderly guarded in the negotiations of new loans, these interests cannot be held as superseding all considerations of public welfare and convenience. The history of the National Debt of England shows frequent and extreme depreciation of public securities, in consequence of new and extensive loans; and this has been too often the case to admit of the recognition of the principle, that the interests of the old holders of debentures should be so exclusively considered as to prevent the negotiation of new loans in the best practicable manner, should the necessities of the Province or the public interests require such a measure.

It is due to the Hon. Messrs. Allan and Draper to say, that they were absent when the first sum of debentures were sold to the banks, and that therefore they cannot be held liable to any censure which may be held to attach to the transaction.

All which is respectfully submitted.

(signed) *R. B. Sullivan, P. C.*

(No. 203.)

COPY of a DESPATCH from Lord *Glenelg* to Major-General Sir *George Arthur*, K.C.H.

Sir,

Downing-street, 31 January 1839.

I HAVE received and have laid before my colleagues your despatch of the 20th November last, No. 91, explaining the present financial state of Upper Canada, and offering various suggestions, by which the existing difficulties may in your opinion be overcome. The importance of this subject, and the manner in which you have brought it under our notice, have commanded our most serious attention.

You propose, in the first place, that under existing circumstances, you should be permitted so far to depart from my Circular Instructions of 31st August 1836, as to assent to any Bill which may be presented to you, "having for its object to allow the Receiver-general to issue, on the credit of the Government, bills or notes, payable in Toronto at 12 months after date, to the extent of 100,000 £, to be used as a circulating medium, and made chargeable on the prospective revenue of the Province."

This, however, you describe as a mere temporary expedient, and you express your opinion that the issue of Government paper, not convertible into specie, is detrimental to the credit of the Province, and that unless there were a prospect of financial relief, founded on a sound and simple basis, no good result could be looked for from it. That "sound and simple basis" you subsequently explain to be the development of the resources of the country, by an emigration on a large scale, "directly facilitated as a great national measure," with the consequent influx of British capital, and the restoration of confidence in the security of the connexion between the Province and Great Britain; the annexation to Upper Canada of a sea-port, and the increase of the import duties; and lastly, the raising of a loan in this country, on the guarantee of the Imperial revenues, to pay off the provincial debt. By the immediate adoption of such measures, you consider that the difficulties in which the Province is now involved may be effectually removed. With respect to your first proposition, I must observe, that the restriction imposed on the Lieutenant-governor of Upper Canada, in regard to money Bills, by my circular despatch of 31st August 1836, was conditionally withdrawn by my despatch to yourself of the 28th December 1837. So far as that instruction is concerned, you are therefore free to act on your own discretion, in accepting or reserving any Bill which may be presented to you by the Legislature for the issue of paper money. But before Her Majesty's Government could give their express previous sanction to a measure such as you contemplate, they would require much more detailed information respecting it than is contained in your present despatch. I proceed to notice the points on which that information is peculiarly defective.

You suggest that the contemplated notes should be used as a "circulating medium;" you do not, however, state in what sums they are to be issued, in what manner the issue is to be made, whether in payment for provincial engagements and disbursements, or upon securities, or through the banks; nor whether it is designed to constitute them a legal tender for debts. I need not point out the essential difference between a loan made on public security, by the issue of State bonds, and a creation of paper money, inconvertible into coin, but which is to be forced into circulation with paper convertible into silver. The first plan only gives to capitalists a means of investment, temporary or permanent, and at the same time affords to the State the use of the capital lent. The second plan increases the whole circulation, by an issue which cannot possibly circulate at par with paper bearing an intrinsic value, and must therefore, if made a legal tender, drive out of the Province a certain amount of the silver now there, either in circulation, in the banks, or in the military chest. The temporary relief, therefore, which such a measure might afford, would be purchased by an eventual increase of the embarrassments of the Province.

Your report is also defective on another point. You state that the existing debt of Upper Canada has been principally incurred in the construction of public works; but you do not state to what purpose the money to be raised by the proposed notes is to be applied. If the public income is insufficient to meet the expenditure essentially public, the balance must in some way be provided for. But if this balance is wanted solely for public works or local improvements, every

general principle is opposed to the raising it by an issue of inconvertible Government notes, unless there be a surplus revenue, or a state of public credit that justifies the expenditure. Under these circumstances, it appears to Her Majesty's Government that the proper course would be, after ascertaining the existing deficit in the revenue, to procure an enactment, revoking, in the first place, the law which prohibits the raising of loans in London on less favourable terms than at par, bearing five per cent. interest, and authorizing the negotiation of a loan in London to the amount of the deficit in the revenue, and no further, on the most favourable terms which can be procured, under the sanction and with the assistance of Her Majesty's Government, but secured on the revenues of the Province. If such a measure should be adopted, you would, in reporting it to me, transmit for the information of Her Majesty's Government, a statement showing the exact amount of the revenues and expenditure of Upper Canada, with such explanations as might appear to you necessary.

In respect to your proposal for the direct encouragement of emigration to Upper Canada, and the annexation to the Province of a sea-port, I refrain at present from entering into any detailed explanation. The latter of those propositions could of course only be effected through the intervention of Parliament, and until the plan of Her Majesty's Ministers for the future government of Canada shall have been laid before Parliament, it would be obviously inconvenient to enter into a discussion on isolated portions of it. But I beg to assure you that neither of those subjects have escaped our attentive consideration.

Lastly, you propose that Her Majesty's Government should, on the security of the British Treasury, raise a loan in England to pay off the whole debt of Upper Canada. The amount of this debt is not less than 1,125,000*l.*, of which the greater part has been incurred, not at the suggestion of the Local Government, nor with the knowledge of the Secretary of State, or the Lords Commissioners of the Treasury, but by the authority of the Colonial Legislature for public works and local improvements. Her Majesty's Government can discover no ground on which they could propose to Parliament to throw on this country the burthen thus incurred by Upper Canada; at all events, they would feel it impossible to hold out any prospect of this nature at the present moment, when the general affairs of both the Canadas are engaging their serious deliberation, and must shortly be submitted for the consideration of Parliament.

I have, &c.

(signed) *Glenelg.*

U P P E R C A N A D A.

COPIES of DESPATCHES from Sir *George Arthur*
and Lord *Glencly*, dated 20 November 1838,
and 31 January 1839, relating to the Financial
State of the Province of U P P E R C A N A D A.

(*Mr. Charles Bulter.*)

Ordered, by The House of Commons, to be Printed,
12 July 1839.

CANADA.

Correspondence relative to the Affairs of CANADA.

Ordered, by The House of Commons, to be Printed, 15 August 1839.

(No. 124.)

COPY of a DESPATCH from Lieutenant Governor Sir *George Arthur*, K. C. H.
to the Marquess of *Normanby*.

My Lord,

Government House, Toronto,
24 May 1839.

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I HAVE the honour to transmit to your Lordship the accompanying address to Her Majesty, from several gentlemen, inhabitants of this province, who have acted in the capacity of commissioners for the construction of the St. Lawrence Canal, complaining of the aspersions cast upon them by certain paragraphs in that part of the Earl of Durham's Report on the Affairs of British North America, which relates to Upper Canada; and maintaining that their conduct in the discharge of their public duty, as such commissioners, has furnished no just grounds for the High Commissioner's conclusions, which they consider to be of a nature calculated to injure them undeservedly in the public estimation.

Sir G. Arthur to
the Marquess of
Normanby,
24 May 1839.

Circumstances which every person must regret, no matter where the fault lay, obliged the Earl of Durham to conclude abruptly his personal investigation of matters connected with the state of Upper Canada, and, with all his Lordship's desire to do what was right and just, he has, unavoidably perhaps, fallen into some inaccuracies, founded on erroneous information.

This observation applies, I sincerely believe, to the remarks contained in the Earl of Durham's Report which have given rise to the present representation; and I am persuaded that his Lordship would have readily relieved the commissioners from the imputation which they feel so deeply, had it been possible for them to have appealed to him.

The commissioners were all gentlemen of high integrity of character, who, I am convinced, would neither have been themselves parties to any job, in the offensive acceptance of that term, nor have consciously allowed any abuse on the part of the contractors.

I have, &c.
(signed) *Geo. Arthur*.

To the Queen's Most Excellent Majesty.

May it please Your Majesty,

WE, Your Majesty's faithful and loyal subjects, inhabitants of the Province of Upper Canada, humbly request permission to bring under Your Majesty's consideration an injurious passage in the Report recently made by Your Majesty's "High Commissioner for the Adjustment of certain important Questions depending in the Provinces of Lower and Upper Canada, respecting the form and future Government of the said Provinces."

In the 68th page of that Report, as printed and laid before Parliament, his Lordship the High Commissioner, in noticing the measures taken by the Legislature of the Upper Province for overcoming the natural impediments of the navigation of the River St. Lawrence, takes occasion to make the following remarks:

"It then commenced the great ship canal, called the Cornwall Canal, with a view of enabling ships of considerable draught to avoid the Long Saut Rapids; and this work was at an immense outlay brought very far towards a completion. It is said that there was

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great mismanagement, and perhaps no little jobbing in the application of the funds and the execution of the work."

As commissioners to whom the Government and Legislature of the Province saw fit to entrust the construction of the St. Lawrence Canal, we feel, may it please Your Majesty, that we have been wronged before Your Majesty and the British nation by the manner in which the Earl of Durham has in this passage animadverted upon our conduct. We cannot silently submit to the imputations upon our character, which his Lordship has not scrupled to promulgate in England, without having been at the pains to inquire during his rapid tour along the frontier of this Province, whether there was in point of fact any mismanagement or jobbing in the proceedings of our Board. Until we saw it stated in his Lordship's Report, we had not the slightest reason to suppose that there were persons who called in question the propriety or honesty of our conduct as commissioners, and it is not without the deepest emotions of surprise and mortification that we discover calumnies never published in this Province, patronized, and in an indirect manner recommended to the credence of the British people by a nobleman prominent among the public men of England, and lately occupying the distinguished post of Governor-general of Your Majesty's possessions in this continent. But lowly as may be our station when compared with his Lordship's exalted position, we feel it our duty to assert an equality with the proudest of the peers who surround Your Majesty's throne, in all that relates to integrity of conduct.

In the common affairs of life, all classes and orders of men are bound to the observance of the same moral rules; by all should character equally be prized, and though we happen to be but humble individuals, inhabiting a distant colony, we yet wish to enjoy the respect of our fellow-subjects in the United Kingdom, to whose eyes the Earl of Durham's Report (erroneous as respects the St. Lawrence Improvements) has been submitted, and knowing and asserting as we now do that no semblance of a foundation exists for the stigma set upon our conduct as commissioners of this Province, we are impelled by the highest considerations to approach with reverence Your Majesty's throne, and submit our complaint against the injustice which we have received at the hands of Your Majesty's late High Commissioner in Canada.

The Legislature of Upper Canada, by an Act passed in the third year of his late Majesty's reign, declared its intention to improve the navigation of that part of the River St. Lawrence which lies within the provincial limits, by the construction of canals and locks at certain places along the river upon a scale of considerable magnitude, and it made a liberal appropriation for that object.

The commissioners for superintending this important work, who were selected from both the parties then existing in the Province, and named in the Act, were the Honourable Thomas Clark and the Honourable John Hamilton, members of the Legislative Council, and George Longley, Jonas Jones, Philip Van Koughnet, Hiram Norton, and Peter Shaver, esqrs., of whom the three last named were members of the House of Assembly.

Mr. Clark having declined the office, the Honourable John Macaulay was appointed in his stead by a commission from his Excellency Sir John Colborne, at that time Lieutenant-governor of the Province, in pursuance of the mode prescribed by the Act for filling vacancies in the Board.

After a survey of the river from Johnstown to Cornwall, the commissioners, pursuing the views of the Legislature, after repeated and careful examinations by the most eminent engineers, British as well as American, that could be met with, contracted, in the year 1834, for the completion of a canal for overcoming the most formidable difficulty upon the river, viz., the Long Saut Rapid, and ground was broken upon this line of improvement in the latter part of that year. The work, which extends westward from Cornwall upwards of 11 miles, was divided into 27 sections, and offered by public advertisement, during a considerable time, to the general competition of such persons as might desire to contract for its performance. On the day appointed for accepting the offers for contracts for sections of work, and the construction of six locks upon the line of the canal, it appeared that not less than 479 tenders had been made by various parties. After a careful examination of these tenders, the commissioners publicly acceded to the proposals of 21 distinct parties, with whom contracts were immediately concluded in due form.

There was a numerous attendance of persons at Cornwall on the day when the tenders were opened (some of whom came from the United States), and the whole proceeding was conducted in so fair and open a manner, that no room whatever was left for any suspicion (and in fact no suspicion was entertained) that the slightest partiality was shown in distributing the contracts among the individuals or companies whose tenders had the best claim to a preference.

The next step taken by the commissioners, after letting out the work in distinct divisions, was to engage the most trusty and skilful persons to superintend and regulate its execution. Finding no British engineers within their reach in whom they could fully confide, they engaged the services of Benjamin Wright, esq., who enjoyed the highest reputation in the United States, as a consulting civil engineer, to attend the call of the Board on all occasions of peculiar importance; and they employed Mr. J. B. Mills, who was bred to his profession in the State of New York, and was well recommended, to perform the duties of resident superintending engineer.

The Board itself met regularly once a month to inspect the work and accounts, and assembled more frequently when circumstances required it. On all these occasions their proceedings were open, and recorded on the minutes by their secretary. Their accounts underwent a strict investigation at their monthly meetings, and no expenditure of money was suffered

suffered to be made except upon an estimate prepared by the resident engineer, and approved by the Board.

The funds appropriated by the Legislature for the construction of the canal were drawn from the receiver-general by the president from time to time as they were required, and were immediately deposited in the bank of Upper Canada. They never came into the hands of the Commissioners, but were paid to the contractors and other claimants by the secretary, upon the cheques of the president on the bank; and for every disbursement vouchers were taken, of which the original remained in the commissioners' office, and the duplicate, with a copy of the minutes of the proceedings of the Board, and a detailed statement of expenditures was annually submitted to the Lieutenant-governor, and by him, in pursuance of the statute, communicated to the Legislature. In this manner full publicity has been given to the whole of our proceedings.

Upon the resignation of Mr. Mills, as resident engineer, Major Phillpotts, of the Royal Engineers, was appointed to succeed him, and under that officer's immediate superintendence the work has been since conducted.

The first president chosen by the Board was Mr. Jones, who continued to act in that capacity until his elevation to a seat in the Court of King's Bench, in the year 1837, when Mr. John M'Donald, who has since become a member of the Legislative Council, took his place as president; Mr. M'Donald had been previously appointed a member of the Board, upon Mr. Macaulay's resignation.

James Sampson, esq., was appointed a commissioner to supply the vacancy occasioned by the resignation of Mr. Justice Jones, and James Morris, esq., was appointed in the place of Mr. Norton, one of the commissioners originally named in the Act, and a member of the House of Assembly, upon his resignation and removal from the province. In consequence of these various changes the Board now consists of the following members: John M'Donald, esq., of Gananoque, member of the Legislative Council, president; John Hamilton, esq., of Queenston, member of the Legislative Council, and named in the Act; Philip Van Koughnet, esq., of Cornwall, member of the Legislative Council, and named in the Act when a member of Assembly; Peter Shaver, esq., of Matilda, member of the House of Assembly, named in the Act; George Longley, esq., of Augusta, named in the Act; James Morris, esq., Brockvill, member of the House of Assembly; James Sampson, esq., Kingston.

Under the system pursued it will be evident that not a shilling of the Legislative appropriation was expended without the authority of the Board specially declared, and duly and formally supported by a regular voucher.

The commissioners were allowed by the Act 20 s. a day while they were on duty, to cover their expenses, and to this extent only did they receive any portion of the public money for their own uses.

If the Earl of Durham, while in this country, received information from any person that we had been concerned in jobbing, his Lordship left us in entire ignorance of it. In whatever quarter the calumny adverted to in the Report may have originated, his Lordship, if he himself believed it, should, we humbly venture to think, have called us to account.

If he did not believe it, we are at a loss to conceive what good purpose could be served by its circulation over the empire.

To our great disappointment and mortification, his Lordship while in Upper Canada, notwithstanding our solicitations, neither inspected the canal, which is admitted to be the most stupendous work of the kind in America, nor instituted any inquiry into our conduct or management.

If he had at that period received any charges against us, we should have been rejoiced to have been allowed an opportunity of meeting and disproving them. We should then have challenged, as we now freely and fearlessly do, the whole population of Upper Canada, to show that we have in any one instance diverged from the line of our duty as honest and faithful servants, in our capacity of commissioners.

Not a single contractor, or other person in any way connected with the canal, has hitherto found just reason to complain of the Board, nor do we imagine that any ever will. The principle on which the business of the Board was conducted placed its proceedings beyond the reach of suspicion or cavil among the individuals by whom the commissioners were surrounded.

Nevertheless, Your Majesty's late High Commissioner has been pleased to intimate to Your Majesty, that in our application of the public funds committed to our care, there has been "perhaps no little jobbing," and the noble Earl has thus done us an injury, which Your Majesty's Petitioners would fain hope his Lordship, on further consideration, may find that his honour and his dignity may require that he should acknowledge and repair.

But his Lordship informed Your Majesty, that "It is said that there was great mismanagement in the application of the funds, and in the execution of the work." Upon this point we would respectfully observe, that if his Lordship had seen fit to make due inquiry while he was in the country he would probably have satisfied himself that the rumours on which he has built the charge of mismanagement were without solid foundation. The commissioners were of course guided by the advice and estimates of engineers, and in works like the canal at the Long Saut, the uncertainty of estimates is proverbial.

It has already been said that the contracts were let in an open manner. Alterations in the line of the canal, found necessary by the engineer in the progress of the work, combined with many unfavourable contingencies of a nature which could not be foreseen,

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tended to swell the amount of actual disbursements considerably beyond the amount of the original estimate.

Nevertheless, there has been no misapplication of the funds, for the money is all satisfactorily accounted for, as it has been all regularly disbursed on work done, or services honestly rendered in pursuance of fair agreements. Nor has there been any mismanagement in the execution of the work ; for it is evident to all men who may choose to inspect the work, that it has been executed in a manner which can scarcely be excelled.

In England itself, where science is so exact, method so perfect, and competition so active, we believe that engineers as well as contractors frequently contrive to make ample fortunes in the construction of canals and other public works ; whereas upon the Long Saut Canal, neither contractors nor engineers have obtained more than a moderate remuneration for their labour.

We humbly entreat Your Majesty's gracious indulgence towards Your Majesty's petitioners, who have ventured thus to submit to Your Majesty this necessary vindication of their conduct and character, which they have had the pain to find assailed by a hand from which a blow was not to have been expected.

Your Majesty's petitioners therefore beg leave humbly to state to Your Majesty, that they have acted faithfully and justly as commissioners, and that they do not merit the imputations contained in the Report made to Your Majesty by the Right honourable the Earl of Durham ; and humbly assuring Your Majesty of their true loyalty, and of their most fervent wishes that Your Majesty may enjoy a lengthened reign of happiness and glory over a prosperous and united empire, Your Majesty's petitioners will ever pray.

(signed)	<i>Jonas Jones.</i>	<i>George Longley.</i>
	<i>John M'Donald.</i>	<i>Peter Shaver.</i>
	<i>John Hamilton.</i>	<i>James Sampson.</i>
	<i>John Macaulay.</i>	<i>James Morris.</i>
	<i>P. Van Koughnet.</i>	

Toronto, 4th day of May 1839.

Gentlemen,

Government House, 9 May 1839.

THE Lieutenant-governor has directed me to acquaint you, in reply to your communication of the 4th instant, that he will avail himself of an early opportunity of transmitting the petition which you have been induced to address to Her Majesty, to the Secretary of State for the Colonies.

Reposing, himself, the highest confidence in your integrity and zeal for the good of the country, his Excellency very much regrets that any observations should have been introduced into the Earl of Durham's Report, founded on erroneous information, respecting the conduct and management of the work of the St. Lawrence Canal, which you consider injurious to your characters, and extremely painful to your feelings.

At the same time his Excellency has the fullest assurance, that whenever the true facts of the case shall be fairly brought under the notice of the Earl of Durham, there will be the strongest disposition on the part of his Lordship to view them with the strictest impartiality, and the most rigid regard to justice.

I have, &c.

(signed) *R. A. Tucker,*
Prov^l Secretary.

To the Honourable Mr. Justice Jones, and
the other Gentlemen who have acted as
Commissioners for the Construction of the
St. Lawrence Canal.

COPY of a DESPATCH from Lieutenant Governor Sir George Arthur, K. C. H.
to the Marquess of Normanby.

(No. 138.)

Government-House, Toronto,
10 June 1839.

My Lord,

I HAVE the honour to forward, for your Lordship's information the printed copy of the " Report from the Select Committee of the Legislative Council of Upper Canada, on the Report of the Right honourable the Earl of Durham, Her Majesty's late Governor-in-Chief of British North America."

Sir G. Arthur to
the Marquess
of Normanby,
10 June 1839.

I have, &c.
(signed) *Geo. Arthur.*

REPORT from the Select Committee of the LEGISLATIVE COUNCIL of *Upper Canada*, on the Report of the Right Honourable the Earl of *Durham*, Her Majesty's late Governor-in-Chief of British North America.

The Select Committee to whom was referred the Report of the Right Honourable the Earl of *Durham*, Her Majesty's late Governor-in-Chief of British North America,

Respectfully submit the following Report :

IN discussing the Report of Her Majesty's late High Commissioner on the Affairs of Upper Canada, your committee are fully aware that their observations cannot be understood by your Honourable House as conveying any censure on Her Majesty's Commissioner, who commences by informing Her Majesty that his information respecting the state of Upper Canada had not been acquired in the course of his actual administration of the government of that Province, a fact to which the Report itself bears ample testimony. His Lordship observes, that "it is very difficult to make out from the avowals of parties the real objects of their struggles, and still less easy is it to discover any cause of such importance as would account for its uniting any large mass of the people in an attempt to overthrow, by forcible means, the existing form of government." From the first part of this paragraph, it appears that the political parties into which the province is said to be divided have no very strong ground for complaint, otherwise some definite description thereof would doubtless have been given to his Lordship; who, in the latter part of the same paragraph, insinuates that a large mass of the people of Upper Canada were desirous of overthrowing the Government, a fact totally unknown in this Province, and already sufficiently refuted by the conduct of the people. His Lordship then informs Her Majesty that Upper Canada "has long been entirely governed by a party commonly designated through the Province as the 'family compact,'" and that, "there is in truth very little of family connexion among the persons thus united." Why then should his Lordship give his assistance in the dissemination of any such erroneous idea as that title has been used to propagate? His Lordship does not appear to have understood that the object of the press in adopting the term of "family compact," as a name by which to designate "the bench, the magistracy, the holders of the high offices of the Episcopal Church, and a great part of the legal profession, the possessors of nearly the whole of the waste lands of the province, the people all powerful in the chartered banks, and sharing among themselves, almost exclusively, all offices of trust and profit," intended to impress their readers with the idea that a close family connexion did exist among all the persons in authority throughout the Province, and that if it were not so understood, the force of the epithet would be altogether lost; for throughout his Lordship's Report, "the family compact" is blazoned forth with studious pertinacity, although the inaptness of the title had been previously admitted.

The High Commissioner next endeavours to show that all persons of education, and more especially members of the learned professions, ought rather to settle in the United States than in Canada; a surgeon, for instance, because he must show that he is duly qualified before he can be permitted to practice within this province; an attorney, because he is not permitted to practice therein as a barrister; and a barrister, because he is not allowed to act as an attorney.

Your committee are of opinion, that in all these regulations the Legislature has shown a proper and praiseworthy desire to prevent ignorant pretenders to medical and legal knowledge disturbing the animal economy or social condition of Her Majesty's subjects. Then comes his Lordship's list of British grievances, which is altogether remarkable; he complains of the banking system, in which he says the Canadian party are supreme, (a large portion of the stock in the most ancient of the chartered banks is, however, owned by persons residing in England,) and further asserts, that the influence of the banks "is said to be employed directly as an instrument for upholding the political supremacy of the party" (Canadian). Your committee happen to have the means of personally knowing that the chartered banks have most studiously avoided political connexion with all parties. Your committee find introduced as one of the grievances, "that under the system of selling land pursued by the Government, an individual does not receive a patent for his land until he has paid the whole of his purchase-money." Why should a contrary course be pursued? That is not shown. The High Commissioner then wanders into Illinois, and gives a vivid description of the peculiar advantages to be derived by English folk who may become domiciled in the Republic. If indeed his Lordship had not qualified his opinions with the assertion that, "but few cases in which the departure of an Englishman from Upper Canada to the States can be traced directly to any of these circumstances in particular," alluding to the British grievances before mentioned, your committee would have supposed that the peculiar functions of Her Majesty's High Commissioner were not those detailed in his commission, the more especially as these hitherto unheard-of grievances are quoted as the cause of the decreased immigration from the parent State; and throughout the Report comparisons are constantly drawn unfavourable to Her Majesty's possessions in North America.

Your committee having exposed a few of the inconsistencies in the first pages of his Lordship's Report, deem it unnecessary to enter more fully into its details, the conflicting character of which, as compared with his Lordship's other productions, is sufficiently set forth in the report of the committee on the state of the Province, appointed by the House of Assembly; observing, however, that his Lordship sums up the Upper Canadian grievances

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in the great practical question of the clergy reserves. Your Honourable House has so recently had this question under discussion, that your committee refrain from any commentary on his Lordship's statements regarding it; but your committee cannot avoid observing that, however unintentional, his Lordship's remarks are evidently calculated to cast odium on the Established Church of England, which, like every other respectable body throughout the colony, has been constantly assailed by the party misnamed reformers.

Adverting, now, to his Lordship's great panacea for all political disorders, "Responsible Government," your committee beg to observe, that a liberal-minded Englishman, sincerely admiring the great principles of the British constitution, would naturally be desirous of extending them, theoretically and practically, to all people living under the dominion of the Crown; and, at the first view, would be apt to ascribe any evils which were found to exist in any portion of the empire, to the absence of those political institutions, which he is bound to uphold in the administration of public affairs in the metropolitan and supreme government.

It is in this manner we must account for the adoption, at first sight, by many statesmen, of the principle that the officers administering the government should be under the same popular control in colonies as the like persons necessarily are in those societies where powers of supreme legislation, by means of popular administration, are found to exist; but it is to the practical impossibility of preserving colonial relations on such a plan, that we must attribute the fact, that notwithstanding all the changes produced by the struggles of party, or the alternations of conservative or liberal politics in England, no statesman, armed with the authority, has as yet attempted to introduce the principle of responsibility of government to the people into the colonial system.

After an attentive and disinterested consideration of this subject, your committee are led to the conclusion, that the adoption of the plan proposed by the Earl of Durham, in which this is the prominent feature, must lead to the overthrow of the great colonial empire of England.

The control exercised by the popular will over the administration of affairs in Great Britain, and over the choice of persons by whom the Government shall be conducted, is founded, not upon theory, but upon the practical necessity of carrying on a Government according to the will of that power in the constitution which, right or wrong, can most effectually control it. Simple responsibility of the executive functionaries, and their liability to answer for misdemeanors or mistakes, existed in England long before the popular branch of the Legislature assumed its present powers; and, in fact, the trial and punishment of ministers, or, in other words, their actual responsibility was much more frequently exhibited when the sovereign was independent of the people, than since the British constitution has been, by the necessities of the Crown, moulded into its present form.

This latter responsibility the colonists have; it is now proposed to bestow on them the former.

No one can be blind to the fact, that it is amongst those who advocate the doctrine that colonies are useless and burdensome, that responsibility of the Government to the people finds its warmest supporters. Lord Durham holds a contrary opinion, and yet he advocates popular government.

That the colonial possessions of England are of immense importance, and essential to the continuance of her greatness and prosperity, few, we believe, are prepared to deny. In support of that opinion, your committee will, however, quote a favourite expression of the Earl of Durham, after his Lordship had seen the Canadian possessions of the Crown, and become sensible of their value—"England, if she lose her North American colonies, must sink into a second-rate power."

According to the present system, the governor of a colony exercises most of the royal functions, under the general direction of the ministers of the Crown; he is strictly accountable for his conduct, and for the use he makes of the royal authority; he recommends for office persons in the colony, or appoints those selected by the minister; and he endeavours to conduct his government according to the policy of the imperial Cabinet, with a view to the present prosperity and future greatness of a country in which England has a deep interest; and above all things, with the intention of preserving, against all opposition, the unity of the empire.

To enable him to fulfil these great duties, it is obviously his interest, and that of his advisers, to keep on his side the popular voice of the colony, and to avoid giving occasion to discontent; redressing real, and dissipating, by temperate discussion, all imaginary grievances.

According to the system proposed by the Earl of Durham, the advisers of the Lieutenant-governor would not be officers who, in accordance with the policy of the Home Government, endeavour to aid the Lieutenant-governor in conciliating the affections of the people; but they must be the creatures of the prevailing faction or party in the Assembly; advising the governor altogether with the view to the wishes of the House for the moment, regardless of the opinions of the supreme Parliament or those of the imperial Cabinet, and having (though nominally subordinate) the power of forcing all their measures upon the governor.

The colonial governor must, in this case, be left without discretion or responsibility, and follow whatever changes may occur; in his colony he could take no directions from the minister of the Crown, nor, indeed, communicate with the supreme Government, unless in the terms dictated by his responsible advisers, to whose directions he must submit, far more completely than the sovereign to the advice of the Cabinet. The real sovereign and the supreme Cabinet are lost sight of and forgotten in the administration of public affairs in the colony;

colony; and thus the responsibility to Parliament, which in England is produced by and consistent with the powers of supreme legislation, being introduced into a colony where the supremacy in the legislative body does not exist, the weaker body, in fact, is, by a political fiction, made the stronger. The dependency of the colony is at an end; and while the sovereign no longer possesses a confidential servant in the colony, the ministers of the Crown, who are responsible for the preservation of colonial connexion, lose all authority to fulfil the duties of their office.

Either this must be the course pursued by a governor, with responsible advisers, or he must think for himself, independently of those advisers; and, as a matter of course, throw himself for information and advice upon irregular and unknown sources. In such an event, the responsible advisers resign; they have, perhaps, a majority in the provincial Parliament, but they may, notwithstanding, be very wrong. Then comes a dissolution of the provincial Parliament, and, perhaps, an expression of public opinion, by a bare majority, against the Government, and probably inimical to the interests of the empire. Who, then, is to yield? The Government must, in fact, retire from the contest, whether right or wrong, or carry on public affairs without any advisers or public officers.

This cannot be done; so that, after all, the governor of the colony must be responsible to the prevailing party in the colony; and, so far as the empire is concerned, he becomes the sovereign of an independent realm, having no discretion, and therefore no responsibility.

Under such a system, colonial dependence would practically be at an end. If it be resolved, then, to force upon us an independence not yet courted, why subject the colonies to the few miserable years of transition from monarchy to democracy, which must inevitably follow? Why subject the colony to the dissensions of party? Is it to foster a spirit of undying enmity among a people disposed to dwell together in harmony and peace? Far better would it be to unite them at once to an empire which, though rival, and perhaps inimical to England, would in such case interfere sufficiently between contending parties to save them from each other.

If England withdraw her influence, and leave her governors to be the shuttle between colonial parties, no loyalty now existing among any of these parties, will prevent their seeking another influence in the neighbouring republic, to replace the one needlessly withdrawn; and as the French of Lower Canada sought the alliance of their ancient enemies, the Anglo-American population of the neighbouring states, to give them the means of overwhelming the British population, for the time left without the countenance or support of the British Government, so will the losing party in either colony seek some external influence to aid their cause. England refuses the umpirage, and there can be no doubt but that it will be readily offered, before many years, to the United States.

Ireland and Scotland had once independent legislatures; but never, when under the British Crown, had they anything approaching to governments responsible to their respective people; yet the government of them became impracticable the moment it approached to a participation of equal political rights, and they were united with England; because government in the different parts of an empire must be conducted with a view to some supreme ruling power, which is not practicable with several separate and independent legislatures.

The plan of the Earl of Durham is to confine the functions of the local legislatures to affairs strictly colonial, but this limitation of powers is not practicable under his Lordship's system.

It is perfectly true, that it is not for the interest of England to maintain a continual struggle with the local Legislature, for the purpose of upholding any class of persons in the colonies, as the servants of the Crown; but it is no less true, that the honour and interests of the empire are intimately involved with local administration; and that if governors of colonies are to be left unsupported by the imperial Government, and to have their advisers chosen for them by the prevailing party, the usefulness of the governors must be at an end; there must either be continual collision between them and the other public servants in the colonies, or the governors must yield up their judgments and consciences to the keeping of the factions which agitate the countries they are appointed to govern.

In small communities, the future is continually sacrificed to present convenience; but the very temporary nature of the interests which influence the politics of a country like this, with a changing population, with no barriers between the inception of public will and its expression; the comparatively little personal influence held by any, from considerations of property or personal attachment; the ephemeral character of the topics which sway elections, and elevate men for the moment into public favour, with almost a certainty of sinking with the reflux of the wave which lifted them into view, operate against the growing up of that steady influence capable of giving stability to politics, or of defining the views of party. The people are individually essentially free; free from landlords, free from employers, free from the influence of great wealth, as well as from that of high station in the few; every man does as it seems best in his own eyes. The consequence is, that it is scarcely possible to know, for any continuance, what the views of the prominent parliamentary men are, except on a few questions: no considerable number of them think alike; and all, by turns, find themselves in a minority many times during a parliamentary session.

This state of things does not arise from any modification of political institutions, but from the individual independence of the population, caused by the ease with which landed property is acquired. In England, political leaders think for the people; in America, the people think for the Members of Parliament; and as the people is not bound to consistency, like individuals of note, its appetite for change, and for the proposal and attempt to carry

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absurd and extravagant measures, is, and must be, gratified, from time to time, *non obstante* the consistency of politicians.

The same course of politics is found in the United States, where the President, the Senate, and the House of Representatives, constantly find their measures negatived by each other, and where members are constantly instructed by their constituents according to the popular whim of the hour. We, therefore, do not find what is strictly called executive responsibility, or necessity of continual accordance of Government with the popular voice; and measures have, even between the short intervals of the presidential elections, time to be popular and unpopular, two or three times over. The French Canadian party form, perhaps, the only political combination in America with consistency of principle; and this is because they have leaders who direct the general opinion. They are, consequently, the only party whose representatives could by any possibility lay down any tangible principles upon which they would conduct a government. In this Province, as in the United States, popular will must influence the conduct of Government in all things, not essentially wrong or chimerical; and in these the Government must be strong enough to resist, and be known to have the power of resistance for a sufficient time, to permit more cool and quiet consideration on the part of the constituency.

A curious example of this species of legislation is found in a discussion which has occupied a great part of the present session, on the absorbing topic of the clergy reserves. It has been taken up and discussed upon principles of liberality and concession on all sides; the parties, unable to agree upon any mode of appropriation, have, as a final measure, referred the issue to the imperial Parliament.

It would be almost impossible to enumerate the various modes of distribution proposed, with and without the approbation of Government, on this question, which would undoubtedly, in English politics, be considered one upon which the existence of a ministry must depend. Suffice it to say, that almost every member had a plan of his own; some had two or three plans fresh from their constituents; yet, strange to say, the House could not agree; that is to say, there was a number sufficient to negative every plan proposed, and to prevent the reference of the matter to England, up to the last day of the session.

In this paradoxical state of affairs, which of the contending parties should form the colonial cabinet?

This, or something approaching to it, not being an unusual condition of politics, it may easily be supposed that few, if any, persons possess sufficient influence to conduct affairs; and from this state of things, it is to be presumed, has arisen the practice in all colonial governments with legislatures, of the governors standing as mediators between parties, yielding and leaning to the popular voice, but resisting it with the authority of their office when it was manifestly in error.

It must be supposed that had the system proposed by the Earl of Durham been long since adopted, the popular will would have prevailed to a far greater extent than heretofore, and yet most of the practical evils found in the colonies have arisen from measures popular at the time of their enactment.

The preservation of the French language, laws, and institutions, and the consequent perpetuation of the contest between the races, so strongly deprecated by the Earl of Durham, was a popular measure, and must have prevailed even more injuriously, and even destructively, under a responsible government.

The concessions of public lands to U. E. loyalists and their children, to militia, and other grantees not resident upon the lands, which now form an acknowledged public grievance, were popular measures; the persons who benefited by them being the population of the country, and those who complain of them not being yet arrived.

The parliamentary grants for local works, and the disposal of funds by commissioners named by the Legislature, and the abuse of this patronage, are evidently founded upon, and rising out of, the parliamentary influence sought to be made supreme, and are evils which might have been greatly exaggerated, but could not have been lessened by responsible government. In fact, they prove that governors should oftener take the responsibility of resisting the popular voice than they have been hitherto accustomed.

The very change in political sentiments, produced by the constant introduction of new population from Great Britain, shows that legislation in these colonies ought to be conducted with some view to the interests of those not represented in the Legislature, but who may soon form the great mass of the subjects of the Crown in America. A responsible cabinet must, however, look exclusively to the party of the day, and in its favour neglect the great future interests of the Province.

In short, local and sectional interests are felt too strongly and directly in elective bodies, in small communities, to permit of consistent legislation on general principles; and the objects to be gained during the short period for which the majority hold their influence are of too much consequence, compared with distinct general results, to permit of the perfectly unchecked course which would result from responsible government.

Although the points are few in which it is the interest of England directly to interfere with local and internal affairs in the colonies, your committee are at a loss to conceive how, in a government so independent as this is proposed to be made of England, these few points can by any means be excluded from the control of the local parliament; a disagreement with the cabinet and Legislature on the subject of foreign trade, immigration, disposal of lands, or any of the excluded topics, will just as readily induce a stoppage of the supplies, with all the consequences, as any of the questions within the range of local legislature; and if we can suppose cases in which the interests of the empire and that of the colony should

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be different, it is vain to expect that any set of public servants who should espouse the general interests, could continue in authority.

Even in the question of peace and war, excluded alike from local legislation in the several states of America, as in the colonies, we have seen how nearly in the States of Michigan, New York, and Maine, the prevalence of popular opinion produced a terrible national war: how the arm of Government was paralyzed, and the licentious and outrageous conduct of the populace encouraged by local authorities, because of the influence of this excluded and forbidden question, upon the elections of local governors and local legislatures; and it cannot be questioned that little more exacerbation of the public mind in Upper Canada, would have caused such a desire for reprisal and retaliation, as would have placed any local responsible cabinet, desirous to maintain peace on the border, in direct collision with the popular voice.

A stronger instance of the necessity for interference in local affairs than the recommendation of the British Government for a merciful course towards the prisoners presented, could scarcely have occurred, for it has justly been observed, that the honour of England would suffer if life were taken unnecessarily. But to prevent its being taken to a much greater extent than has been permitted required much firmness in the advisers of the Government, and much reliance on their part on the Imperial Authorities for support in the humane course recommended by them.

To conclude this subject, your committee would observe, that so long as England holds sway in the colonies, there will be a majority seeking for power in the provinces, and a minority for justice and protection and impartial government. The moment the provincial magnates are made supreme by the proposed system, interference to do justice will be a breach of faith; and let it be recollected, that if England refuse the umpirage between contending parties, there is a power at hand, ready and anxious to join with either, and watching for the favourable opportunity.

From these reasonings, it appears evident, that the expenses of military defence in Canada are not to be avoided by a partial independence, or by anything short of abandonment. These expenses have not been incurred in consequence of any want of popular concessions; they have been caused by the unprincipled and outrageous conduct of the border Americans, which can only be held in check by military defences, or by the influence of British power upon the American people, through their government.

Referring to the causes of the late insurrection, your committee would observe, that it is not to be contended that the influence over the public mind, caused by Sir Francis Head having placed the question at issue in such a light as to show political evils arising from the reform system so strongly as to produce the change in the elections of 1836, could either produce or excuse rebellion. The question at issue involved consequences of vital importance; nor could the rebellion be produced or excused by comparisons made by the public, to the disadvantage of the reformers. The only pretence amongst all those urged, having any colour of argument, is the alleged corruption at the elections, and the influence then obtained by Government. But this pretext seems, upon examination, as unfounded as the others: a people who will permit themselves, in a country in which the elective franchise is so widely diffused, to be bribed or influenced into returning an overwhelming majority to parliament, are not the most likely, therefore, to rise in rebellion against their own decision; and as to the fact of corruption on the part of the Government, so far from there being any means of attempting such a course, it is with great difficulty that the Government can find the means of carrying on itself, without any such expensive interference with the rights of electors. If the assertion were not too absurd for dispute upon it, reference might be had to the returns from the public offices, and to the proceedings in the Assembly, in which the reformers were invited, in vain, to sustain any one of these accusations, as a full refutation of the charge of corrupt interference influencing the elections.

That dissatisfaction prevailed amongst the defeated party, as in all other cases, is admitted; and that the elected member did not possess the confidence of those who voted against them, was to be expected; but that the successful majority were thereby driven into despair of good government, or were discontented with their own mode of putting members of their own choice into power, is not only contradicted by the argument that the remedy would always be in their own hands, but by the fact of the enthusiastic loyalty with which the populace of the country, chiefly those who formed the majority in the late elections, rallied round the very men and the governor, by whom, according to the complaint of the reformers, they had been disappointed and betrayed. Your committee are of opinion, that the proximity of the American frontier—the wild and chimerical notions of civil government broached and discussed there—the introduction of a very great number of border Americans into this province, as settlers, who, with some most respectable and worthy exceptions, formed the bulk of the reformers, who carried these opinions so far as disaffection—together with the existence of actual rebellion, and the expectation of a general rising in Lower Canada, emboldened a portion of the minority to rise in rebellion in this province, in the hope of achieving the overthrow of the Government, with foreign assistance.

Is it because reformers, or a portion of them, can command the sympathies of the United States, and of Lower Canadian rebels, that the internal affairs of a British colony must be conducted so as to please them? Where would the colonial government have looked for support and defence in its time of real danger, had proscription and discouragement and

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disregard been the portion of those who had shown, at the elections, that they were willing to sacrifice a portion of popular influence to the great object of retaining British connexion.

How painfully must such men be excited, at reading, in Lord Durham's Report, what appears to be a justification of the course taken by the disaffected, without one word of approval to those who risked and endured so much in defence of British supremacy. In what manner, we ask, did the dominant party make use of the occasion to persecute or disable the whole body of their political opponents? Who were the numbers of perfectly innocent men thrown into prison, and who suffered in person, property, and character? And what severe laws were passed in Upper Canada, under colour of which individuals, very generally esteemed, were punished without any form of trial?

That some unauthorised individuals were prone to insult those whom they viewed, at the moment, as a fallen enemy, must have been the case. That the individuals thus insulted may have felt themselves aggrieved and annoyed, cannot be doubted; that a great many were thrown into prison (against whom the clearest proof of high treason was in the hands of the magistracy,) but who were released without trial, a mercy which they most thankfully accepted, can easily be proved. That they were perfectly innocent, could only have been placed beyond dispute by a trial, but in the cases of the great number of individuals arrested, there were not only good grounds of suspicion, but means of proof of guilt, and it would be far indeed from being the interest of the parties themselves to provoke an inquiry.

It is true, that magistrates, sometimes looking to the circumstances of their own immediate neighbourhoods, rather than to the policy of the Government at large, proceeded with more zeal and strictness than the case demanded; but what good reason for complaint has the criminal arrested for high treason, in the discovery that the magistrate, by whose authority he is arrested, has a political leaning different from himself?

It is stated in Lord Durham's Report, that it was generally believed that the pardon of Samuel Lount and Peter Matthews was solicited by no less than 30,000 of their countrymen. The number of petitioners, men and women, who petitioned for these criminals appear upon examination to be 4,574; such exaggerations necessarily refute themselves.

It is one of the most distressing effects of the publication of the Earl of Durham's Report, that his Lordship thus seems to condemn the execution of these men. If they really ought to have been spared, the publication of such a sentiment from one in high authority, cannot restore them, but it must give rise to feelings on the part of their friends and their political party who may never have imagined such a possibility as the escape from punishment of every one of the leaders of a rebellion which inflicted so much calamity upon the Province, but who will now think that had the Earl of Durham been in this Province, high treason would have been considered much in the same light as a riot at an election.

Your committee having animadverted on the principal topics in the Report of the High Commissioner beg, ere they conclude, to observe, that as regards Upper Canada, Lord Durham could not possibly have any personal knowledge, the period of his sojourn in that Province being of such very short duration. Your committee regret that his Lordship should have confided the task of collecting information, to a person who, be he whom he may, has evidently entered on his task with the desire to exalt the opponents of the colonial government in the estimation of the High Commissioner, and to throw discredit on the statements of the supporters of British influence and British connexion; that he should, in such an attempt, have laid himself open to severe censure, was to be expected. Your committee have, however, through a feeling of respect for Her Majesty's Commissioner, refrained from commenting on his Report in the terms which they honestly avow they think it merits, confident that their forbearance will meet the desires of your Honourable House, and be equally in accordance with the wishes of the family compact hereinbefore mentioned.

All which is respectfully submitted,

J. S. Macaulay, Chairman.

Committee Room, Legislative Council,
11th day of May 1839.

CANADA.

COPIES

OF

CORRESPONDENCE

RELATIVE TO THE

AFFAIRS OF CANADA.

[*Presented to Parliament by Her Majesty's Command.*]

*Ordered, by The House of Commons, to be Printed,
15 August 1839.*

535.

CANADA.

RETURN to an ORDER of the Honourable The House of Commons,
dated 21 February 1839;—for,

AN ACCOUNT of the EXPENSE incurred in the MISSION of the *Earl of Durham* as High Commissioner and Governor of *Canada*, distinguishing any Salaries paid, and of all Expenses incurred in the Passages of the *Earl of Durham* and Suite.

Colonial Office, Downing-street, }
25 April 1839.

H. LABOUCHERE.

ACCOUNT of EXPENSES incurred in the MISSION of the *Earl of Durham*, as Governor-general of *British North America* and Her Majesty's High Commissioner.

	£.	s.	d.
Civil Salaries and Staff Pay to the Military Secretary - - -	2,404	18	2
Other Expenses of the Mission - - - - -	30,404	12	9
	£.	32,809	10 11
Amount of Remittance expected from Canada - - - - -	500	-	-
	£.	32,309	10 11

All EXPENSES incurred on Account of the *Earl of Durham*'s OUTFIT, viz. Plate, Carriages, Horses, Servants, &c. &c. &c., have been defrayed out of his Private Purse.

	£.	s.	d.
Expenses of the Mission - - - - -	32,309	10	11
Ditto of Passages - - - - -	2,701	15	6
	£.	35,011	6 5

AN ACCOUNT of PAYMENTS made under the direction of the Treasury for Expenses incurred in the PASSAGES of the *Earl of Durham* and Suite to and from *Canada*.

	£.	s.	d.
To H. F. Amedroz, Esq., Chief Clerk of the Admiralty, in reimbursement of expenses attending the accommodation and entertainment of the <i>Earl of Durham</i> and Suite on their passage from this country to <i>Canada</i> , on board Her Majesty's ship " <i>Hastings</i> " - - -	2,224	5	6
To Captain Pring of Her Majesty's ship " <i>Inconstant</i> ," allowance for the passage of the <i>Earl of Durham</i> and Suite from <i>Quebec</i> to <i>Plymouth</i> * - - - - -	477	10	-
	£.	2,701	15 6

* A further claim for 180*l.* for these expenses is now under consideration.

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ACCOUNT of Expenses incurred in the Mission
and in the Passages of the Earl of *Derham* and
Suite to *Canada*.

(*Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, to be Printed,
29 April 1839.

C A N A D A.

RETURN to an Address of the Honourable The House of Commons.
dated 1 March 1839;—for,

COPIES of any APPOINTMENTS made by the EARL OF DURHAM, as LORD COMMISSIONER of the BRITISH NORTH AMERICAN COLONIES, previous to his Departure from *England*, and during his Stay in *Canada*; specifying the Name of each Person, the Amount of Salary, if any, and the Nature of the Duties to be performed.

Colonial Office, Downing-street, }
18 March 1839.

H. Labouchere.

Ordered, by the House of Commons, to be Printed, 9 March 1839.

RETURN of the APPOINTMENTS made by the Earl of *Durham*, as Governor-General of *British North America*, and Her Majesty's High Commissioner, previous to his Departure from *England*, and during his Stay in *Canada*.

ATTACHED TO THE HIGH COMMISSION.

N A M E.	O F F I C E.	Date of Appointment.	Annual Salary.		
			£.	s.	d.
Charles Buller, M.P. - - -	Chief Secretary - - -	29 May 1838	1,500	-	-
Colonel George Couper, K.H. - {	- - - Military Secretary and	} — —	700	-	-
Gervase P. Bushe - - -	Principal Aide-de-Camp.		300	-	-
Arthur Buller - - -	Attaché to the High Comm ⁿ	— —	300	-	-
S. Derbyshire, vice A. Buller -	- ditto - - -	{ 29 May to } 1838	300	-	-
Hon. E. P. Bouverie - - -	- ditto - - -		300	-	-
Lieut. Hon. F. Villiers, Cold-}	- ditto - - -	4 July —	—	-	-
stream Guards - - -	Aide-de-Camp - - -	29 May —	191	12	-
Capt. S. Conroy, ditto - - -	- ditto - - -	— —	191	12	-
Ensign W. H. F. Cavendish, }	- ditto - - -	— —	191	12	-
52d Regt. Light Infantry - }	- ditto - - -	— —	191	12	-
Cornet Hon. C. A. Dillon, }	- ditto - - -	— —	191	12	-
7th Dragoon Guards - - - }	Extra ditto - - -	— —	—	-	-
Capt. Ponsonby, Royal Fusi- }	Private Secretary - - -	— —	—	-	-
leer Regt. - - -	Attached to High Commission	2 June —	—	-	-
Edward Ellice, jun., M.P. - -					
Lieut.-Col. Hon. C. Grey, }					
71st Regt. Light Infantry }					

PROVINCIAL APPOINTMENTS.

T. E. M. Turton, Barrister-at-law	Secretary of Government -	29 May 1838	—	-	-
Charles Buller, M.P., Chief Se- }	Member of the Ex. Council	2 June —	—	-	-
cretary - - -	- ditto - - -	— —	—	-	-
T. E. M. Turton, Secretary -	- ditto - - -	— —	—	-	-
Colonel George Couper, K.H., }	- ditto - - -	— —	—	-	-
Military Secretary - - - }	- ditto - - -	— —	100	-	-
D. Daly, Provincial Secretary -	- ditto - - -	— —	100	-	-
R. J. Routh, Commissary-Gen. -	- ditto - - -	— —	—	-	-
Sir Charles Paget, G.C.H., Vice- }	Member of the Sp ^l . Council	28 June —	—	-	-
Admiral - - -	- ditto - - -	— —	—	-	-
Major-Gen. Sir Jas. Macdonell, }	- ditto - - -	— —	—	-	-
K.C.B. and K.C.H. - - - }	- ditto - - -	— —	—	-	-
Lieut.-Col. Hon. C. Grey - -					

APPOINTMENTS MADE BY THE EARL OF DURHAM, AS

NAME.	OFFICE.	Date of Appointment.	Annual Salary.		
			£.	s.	d.
Colonel Hon. G. Couper - -	Member of the Sp ^l . Council	28 June 1838.	—	—	—
Hon. Charles Buller - -	- - ditto - - -	—	—	—	—
Chief Justice Sewell - -	Member of the Ex. Council	—	—	—	—
Chief Justice Reid - -	- - ditto - - -	—	—	—	—
Mr. Justice Panet - -	- - ditto - - -	—	—	—	—
Mr. Justice Rolland - -	- - ditto - - -	—	—	—	—
Mr. Justice Vallieres de St. Real	- - ditto - - -	—	—	—	—
A. Buller, Barrister-at-law	- - ditto - - -	—	—	—	—
Major-Gen. J. Clitherow -	Member of the Sp ^l . Council	6 Aug.	—	—	—
The Lord Bishop of Montreal -	- Presid. of Roy. Inst. for the Advancement of Learning -	12 June	—	—	—
Hon. John Neilson - -	One of the Trustees of ditto	—	—	—	—
E. B. Lindsay and G. M. Muir -	- Registrar and Clk. to Corp. of Trinity House, Quebec -	22 June	—	—	—
Thomas A. Young - - -	- - Inspector and Superin ^t of Police for Quebec - - -	28 June	365	—	—
C. S. Rodier - - -	- - - Commissioner for the summary trial of small causes for the district of Montreal -	13 June	—	—	—
S. Bellingham - - -	- - ditto - - -	—	—	—	—
H. E. Baron - - -	- - ditto - - -	—	—	—	—
E. A. Clarke - - -	- - ditto - - -	—	—	—	—
P. E. Leclerc - - -	- - ditto - - -	—	—	—	—
Francis Cotterell - - -	- - - Ditto for the parish of St. Antoine de la Baie du Febvre - - -	12 July	—	—	—
A. Lozeau - - -	- - ditto - - -	—	—	—	—
L. T. McPherson - - -	- - ditto for the parish of Quebec - - -	9 Aug.	—	—	—
Robert Symes - - -	- - ditto - - -	—	—	—	—
William Patton - - -	- - ditto - - -	—	—	—	—
J. Gibb - - -	- - ditto - - -	—	—	—	—
P. Langlois - - -	- - ditto - - -	—	—	—	—
C. Cazeau - - -	- - ditto - - -	—	—	—	—
J. Douglas - - -	- - ditto - - -	—	—	—	—
J. Fraser - - -	- - ditto - - -	—	—	—	—
P. Lepper - - -	- - ditto - - -	—	—	—	—
D. McCallum - - -	- - ditto - - -	—	—	—	—
H. Pemberton - - -	- - ditto - - -	—	—	—	—
J. Chouinard - - -	- - ditto - - -	—	—	—	—
H. Sharples - - -	- - ditto - - -	—	—	—	—
O. Robitaille, M.D. - - -	- - Physician, surgeon, and man-midwife - - -	3 July	—	—	—
A. Berthelot - - -	- - ditto - - -	—	—	—	—
P. E. Picault - - -	- - ditto - - -	10 Aug.	—	—	—
F. X. Blanchet - - -	- - Barrister, advocate, attorney, solicitor, and proc tor -	9 July	—	—	—
C. Delagrave - - -	- - ditto - - -	8 Aug.	—	—	—
H. Hughes - - -	- - ditto - - -	8 June	—	—	—
L. T. Fortier - - -	Public notary - - -	7 June	—	—	—
J. A. St. Pierre - - -	- - ditto - - -	5 July	—	—	—
L. J. A. D. Bondy - - -	- - ditto - - -	27 July	—	—	—
P. Pelletier - - -	- - Branch pilot for and below the Harbour of Quebec - -	4 June	—	—	—
E. Demers - - -	- - ditto - - -	8 —	—	—	—
J. B. Bernier - - -	- - ditto - - -	21 —	—	—	—
J. B. Golin - - -	- - ditto - - -	25 —	—	—	—
P. Charest - - -	- - ditto - - -	—	—	—	—
J. Campbell - - -	- - ditto - - -	26 —	—	—	—
G. Leplante - - -	- - ditto - - -	2 July	—	—	—
A. Roy - - -	- - ditto - - -	27 —	—	—	—
P. St. Hilaire - - -	- - ditto - - -	28 —	—	—	—
M. Caron - - -	- - ditto - - -	—	—	—	—
W. Le Bel - - -	- - ditto - - -	30 —	—	—	—
A. Sirois - - -	- - ditto - - -	—	—	—	—
F. Boissinat - - -	- - ditto - - -	1 Aug.	—	—	—
H. Lavoie - - -	- - ditto - - -	—	—	—	—
H. Jovin - - -	- - ditto - - -	8 —	—	—	—
J. Pouliot - - -	- - ditto - - -	—	—	—	—
F. Simpson - - -	- - ditto - - -	—	—	—	—
J. Pouliat - - -	- - ditto - - -	9 —	—	—	—
Z. Chassé - - -	- - ditto - - -	—	—	—	—

LORD COMMISSIONER *of the* BRITISH NORTH AMERICAN COLONIES. 3

PROVINCIAL COMMISSIONS OF INQUIRY.

Those under this head have no Annual Salaries, but the Amounts given are what they receive for the entire business of the Commission.

NAME.	OFFICE.	Date of Appointment.	Amount.
Sir John Doratt, Knight, M.D.	{ - - Inspector-general of hospitals, medical, charitable, and literary institutions - - }	2 June 1838	£. s. d. --

GENERAL COMMISSION OF INQUIRY for CROWN LANDS and EMIGRATION for all PROVINCES of BRITISH NORTH AMERICA.

Charles Buller - - -	Chief Commissioner - -	18 June 1838	—
R. D. Hanson - - -	Assistant Commissioner -	—	660 - -
Honourable H. Petre - -	Secretary - - -	—	200 - -

GENERAL COMMISSION OF INQUIRY for EDUCATION.

Arthur Buller - - -	Chief Commissioner - -	4 July —	300 - -
C. Dunkin - - -	Secretary - - -	—	300 - -
C. F. Head, Major in the Army	{ - - Assistant-Commissioner of Crown Lands and Emigration Inquiry - - }	16 Aug. —	200 - -

COMMISSION OF INQUIRY into MUNICIPAL INSTITUTIONS.

Charles Buller - - -	Chief Commissioner - -	20 Aug. —	—
William Kennedy - - -	Assistant-Commissioner -	—	200 - -
Adam Thom - - -	- - ditto - - -	—	400 - -

(signed) *Charles Buller,*
Chief Secretary.

My Lord,

Downing-street, March 8, 1839.

I HAVE the honour to transmit to you herewith the copy of an Address presented to Her Majesty by the House of Commons, praying for a Return of all Appointments made by your Lordship previous to, and during your stay in Canada, specifying the name of each person, the amount of salary, and the duties to be performed. 1 March 1839.

I am aware that in the despatches addressed to this Office by your Lordship, the particulars now required by the House of Commons are to be found; but before directing a Return to this Address to be compiled from those despatches, I think it right to afford your Lordship an opportunity of offering any explanation which you may desire to give on this subject, and more especially to ascertain whether it is in your Lordship's power to furnish any further information with regard to the official instruments by which these appointments were made.

The Earl of Durham,
&c. &c. &c.

I have, &c.
(signed) *Normanby.*

My Lord,

Cleveland-row, March 9, 1839.

IN reply to your Lordship's communication of the 8th instant, I have the honour to inform you, that the Return made by me to the Address of the House of Lords, as stated in my despatch of the 20th of October 1838, contains all the information you require up to the date of that Address: A Return of subsequent appointments can alone be procured from the Civil Secretary's Office at Quebec.

With reference to the concluding observation in your Lordship's letter, which I presume alludes to the appointments of Mr. Buller, M. P., and Mr. Ellice, M. P., I have to state that they were not accompanied by any official instruments whatever.

Mr. Ellice received no salary at all; Mr. Buller only as chief secretary to the commission.

The Marquess of Normanby,
&c. &c. &c.

I have, &c.
(signed) *Durham.*

Vide Papers relative to British North America, ordered by The House of Commons to be printed, 11 February 1839. No. 2, page 223.

CANADA.

COPIES of APPOINTMENTS made by the Earl of Durham, as Lord Commissioner of the BRITISH NORTH AMERICAN COLONIES, previous to his Departure from *England*, and during his Stay in *Canada*.

(*Mr. Harvey.*)

Ordered, by The House of Commons, to be Printed,
19 March 1839.

C A N A D A.

RETURN to an Address of the Honourable The House of Commons,
dated 30 May 1839;—for,

A RETURN of the SUMS paid, or directed to be paid, to Sir *Francis Head*,
as LIEUTENANT-GOVERNOR of *Upper Canada*, as OUTFIT, PAY, or
ALLOWANCE.

Colonial Office, Downing-street, }
17 June 1839.

H. LABOUCHERE.

	£.	s.	d.
For Passage out - - - - -	300	-	-
Extra Allowance for ditto - - - - -	500	-	-
Salary, 25 January to 31 December 1836 - - - - -	2,806	-	-
Ditto for - - - - 1837 - - - - -	3,000	-	-
Fees, 1836, 1837 and 1838 - - - - -	258	-	-
Salary, 1 January to 22 March 1838 - - - - -	685	-	-
Extra Salary for 1836 and 1837, ordered to be paid from Casual and Territorial Revenue - - - - -	1,000	-	-
Allowance for Return Passage - - - - -	300	-	-
Extra ditto for - ditto - - - - -	230	-	-
	£. 9,079	-	-

Note.—The Stamp Duty on Sir F. B. Head's Commission, amounting
to £. 200, has been remitted.

CANADA.

RETURN of the SUMS paid, or directed to be paid,
to Sir Francis Head, as LIEUTENANT-GOVERNOR
of Upper Canada, as OUTFIT, PAY, or ALLOWANCE.

(Mr. Bradshaw.)

Ordered, by The House of Commons, to be Printed
17 June 1839.

C A N A D A.

COPIES or EXTRACTS of any DESPATCHES from the LIEUTENANT GOVERNOR of UPPER CANADA on the SUBJECT of the Creation of RECTORIES in that PROVINCE.

No. 1.

(No. 92.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, K.C.H., Lieutenant Governor of Upper Canada.

Sir,

Downing street, 31st August 1836.

AMONG the Documents appended to the Report of the Committee of the House of Assembly of Upper Canada, to whom was referred your Correspondence with your late Executive Council, is a Schedule of the Patents for Land granted as Endowments to the Church of England in that Province, and a Return of Property ceded by certain Parties in exchange for Endowments. The incomplete Manner in which these Returns are drawn up renders it impossible to discover the Date of the greater Portion of the Transactions to which they refer; but it would appear from the Heading of one of the Returns, that several Rectories have been endowed during the current Year; although, I presume, before your Assumption of the Government of Upper Canada. As this is a Subject of considerable Importance, and as it has attracted the Notice of the Public, both in this Country and in the Province, I have to request that you will supply me with an Explanation of the Returns to which I have alluded; specifying the Dates at which the several Endowments were conceded, and, as far as possible, the Grounds of the respective Grants.

I need not, I am sure, point out to you, that, pending the Settlement of the Clergy Reserve Question, it is indispensable that no further Allotment of Church Lands should take place, without the express Sanction of His Majesty's Government.

I have, &c.

(Signed) GLENELG,

No. 2.

(No. 101.)

COPY of a DESPATCH from Sir F. B. HEAD, K.C.H., Lieutenant Governor of Upper Canada, to Lord GLENELG.

My Lord,

Toronto, Upper Canada, 17th December 1836.

IN compliance with the Directions contained in your Lordship's Despatch No. 92. I have the Honour to transmit herewith Documents showing the Number and Nature of the Endowments to the Church of England which were made by my Predecessor.

141.

Your

No. 1.

Lord Glenelg
to
Lieut. Governor
Sir F. B. Head,
31st August 1836.

No. 2.

Lieut. Governor
Sir F. B. Head
to
Lord Glenelg,
17th Dec. 1836,

SCHEDULE.

	Page
No. 1.—Copy of a Despatch from Lord Glenelg to Sir F. B. Head, К.С.Н., Lieutenant Governor of Upper Canada; dated 31st August 1836 - -	3
No. 2.—Copy of a Despatch from Sir F. B. Head, К.С.Н., Lieutenant Governor of Upper Canada, to Lord Glenelg; dated 17th December 1836 - -	3
No. 3.—Copy of a Despatch from Sir F. B. Head, К.С.Н., Lieutenant Governor of Upper Canada, to Lord Glenelg; dated 2d May 1837 - -	11
No. 4.—Copy of a Despatch from Lord Glenelg to Sir F. B. Head, Bart., Lieutenant Governor of Upper Canada; dated 6th July 1837 - -	12
No. 5.—Copy of a Despatch from Sir F. B. Head, Bart., Lieutenant Governor of Upper Canada, to Lord Glenelg; dated 16th September 1837 - -	17
No. 6.—Copy of a Despatch from Sir F. B. Head, Bart., Lieutenant Governor of Upper Canada, to Lord Glenelg; dated 16th September 1837 - -	23
No. 7.—Copy of a Despatch from Lord Glenelg to Sir F. B. Head, Bart., Lieutenant Governor of Upper Canada; dated 15th November 1837 - -	24
No. 8.—Copy of a Despatch from Sir F. B. Head, Bart., Lieutenant Governor of Upper Canada, to Lord Glenelg; dated 18th October 1837 - -	24
No. 9.—Copy of a Despatch from Lord Glenelg to Major General Sir George Arthur, К.С.Н., Lieutenant Governor of Upper Canada; dated 26th December 1837 - - - - -	44
No. 10.—Copy of a Despatch from Lord Glenelg to Major General Sir George Arthur, К.С.Н., Lieutenant Governor of Upper Canada; dated 9th February 1838 - - - - -	45
No. 11.—Copy of a Despatch from Major General Sir George Arthur, К.С.Н., Lieutenant Governor of Upper Canada, to Lord Glenelg; dated 11th July 1838 - - - - -	60
No. 12.—Copy of a Despatch from Major General Sir George Arthur, К.С.Н., Lieutenant Governor of Upper Canada, to Lord Glenelg; dated 22d September 1838 - - - - -	62
No. 13.—Copy of a Despatch from Lord Glenelg to Major General Sir George Arthur, К.С.Н., Lieutenant Governor of Upper Canada; dated 24th October 1838 - - - - -	72

C A N A D A.

RETURN to an Address of the Honourable The House of Commons,
dated 11 March 1839;—*for*,

COPIES or EXTRACTS of the CORRESPONDENCE between the LIEUTENANT-
GOVERNOR of UPPER CANADA and the SECRETARY of STATE, on the Subject
of the Creation of RECTORIES in that Province by Sir JOHN COLBORNE.

Colonial Office, Downing-street, }
26 March 1839.

H. LABOUCHERE.

(*Mr. Labouchere.*)

Ordered, by The House of Commons, to be Printed,
27 March 1839.

No. 2.
Lieut. Governor
Sir F. B. Head
to
Lord Glenelg,
17th Dec. 1836.
—

Your Lordship will perceive that the Patents of these Endowments are all dated after my Arrival at New York, and while I was on my Journey to Toronto; and though I have never mentioned the Circumstance before, I will not now withhold from your Lordship, that the Feeling which the Endowment of these Rectories created throughout the Province was one of the many Difficulties I had to contend against during the late Elections.

I have, &c.
(Signed) F. B. HEAD.

Enclosure referred to in No. 2.

(A.)

Enclosure.
—

MORNING COURIER.

Montreal, Friday, 17th February 1837.

A most animated Debate took place in the Upper Canada Assembly on the 9th instant, on the Report of the Select Committee to whom the Petitions respecting the Rectories, from several Presbyterian Congregations, had been referred. Mr. M'Kay, Chairman of the Committee, submitted a Series of Resolutions condemnatory of the recent Establishment of Rectories in the Province, but proving not quite palatable to the House, they were rejected by a small Majority. They went the Length of abolishing the Rectories already established. In lieu of them, the following, proposed by Mr. M'Lean, were adopted:—

1st. Resolved, That by the Thirty-eighth Clause of the Act 31 Geo. 3. Cap. 31. Power is given to His Majesty to authorize the Governor, Lieutenant Governor, or Person administering the Government of this Province, with the Advice of the Executive Council, to constitute and erect within every Township or Parish One or more Parsonages or Rectories according to the Establishment of the Church of England, and from Time to Time to endow such Parsonage or Rectory with Lands authorized and required by that Act to be reserved for the Support of a Protestant Clergy.

2d. Resolved, That the Power thus vested in the Person administering the Government and the Executive Council of this Province not having been exercised for a Period of nearly Half a Century, the Inhabitants of the Province had good Reason to believe that no Attempt would be made to carry it into effect, more especially when the Provincial Legislature had been invited to legislate, by the Imperial Government, in relation to the Reserves, from which all Endowments must necessarily be made.

3d. Resolved, That the late Lieutenant Governor, with the Advice of the Executive Council, established certain Rectories under the Power so long suffered, in deference to the public Feeling, to remain dormant.

4th. Resolved, That while this House must unequivocally condemn such a Proceeding, under the peculiar Circumstances of the Province, and pending the Question as to the Disposition of the Clergy Reserves, it regards as inviolable the Rights acquired under the Patents by which Rectories have been endowed, and cannot, therefore, either invite or sanction any Interference with the Rights thus established.

5th. Resolved, That in the Opinion of this House, the Rectors who have been, or who may be established in this Province, cannot and ought not to exercise any Ecclesiastical or Spiritual Power or Authority whatever over any Portion of the People of this Province other than the Members of their respective Congregations.

6th. Resolved, That as an Impression seems to prevail that Rectors so established are entitled to enjoy and exercise general and exclusive Spiritual and Ecclesiastical Powers, and it is expedient to remove all Grounds of Apprehension on this Head, a humble Address be presented to His Majesty, praying, in earnest and strong, but respectful Terms, that His Majesty will be graciously pleased to convey to the Imperial Parliament the anxious Desire of this House, in behalf of the great Body of the People of the Province, that as the Provincial

vincial Parliament are restrained from legislating on the Subject, except under peculiar and embarrassing Circumstances, an Act of the Imperial Parliament may be passed to declare, in plain and explicit Terms, that the Establishment and Endowment of Rectories in this Province shall not be construed to confer any Right to exercise any Ecclesiastical or Spiritual Power whatever except over the Members of the Church of England.

No. 2.
Lieut. Governor
Sir F. B. Head
to
Lord Glenelg,
17th Dec. 1836.

Enclosure.

This Discussion, which lasted about Ten Hours, was conducted with great Keenness, and every Inch of Ground was vigorously contested by the Friends of "Justice to all."

(B.)

(Copy.)

Executive Council Chamber at Toronto, Friday, 15th January 1836.

PRESENT,

The Honourable Peter Robinson, Presiding Councillor.

The Honourable George H. Markland.

The Honourable Joseph Wells.

To His Excellency Sir John Colborne, K.C.B., Lieutenant Governor of the Province of Upper Canada, and Major General commanding His Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

Pursuant to the Views of Lord Goderich, shown by his Despatch of the 5th April 1832, in which he concurs with your Excellency, and expresses his Desire "that a moderate Portion of Land should be assigned in each Township or Parish for ensuring the future Comfort, if not the complete Maintenance of the Rectors," the Council caused the necessary Steps to be taken for the Purpose of setting apart Lots in each Township throughout the Province.

Much Delay has been caused by their Anxiety to avoid interfering with Persons who might have acknowledged Claims to any of the Reserves to be selected either for Lease or Purchase.

A Difficulty in completing what his Lordship most appropriately calls "this salutary Work" was also caused by the Crown Officers not concurring in the Form to be used in the Instrument by which the Endowment is to be confirmed, which left the Council to decide as to the Mode to be adopted for that Purpose.

These Obstacles have now been surmounted, and it is respectfully recommended that no Time be lost in authorizing the Attorney General to prepare the necessary Instruments to secure to the Incumbents named in the annexed Schedules, and their Successors, the Lots of Land there enumerated as having been respectively set apart for Glebes.

All which is respectfully submitted.

(Signed) PETER ROBINSON, P.C.

(C.)

RETURN of PATENTS for Land granted as Endowments to the Church of England in the Province of UPPER CANADA, under the Authority of an Order in Council dated the 15th Day of January 1836 ; showing the Date of each Patent, the Name of the Minister presented to each Rectory, and the Lot, Concession, Number of Acres, and Township composing the respective Endowments, as taken from the Records in the Office of the Secretary and Registrar of the Province.

No.	Date.	Minister and Rectory.	Lot.	Concession.	Acres.	Township.
1	1836. Jan. 16 -	John Strachan, D.D., &c., City of Toronto - - }	6, 9, 22, 17	2 } From the Bay 3 }	800	York.
2	Jan. 16 -	Charles Matthews, St. John, York	14	2, E ^t Yonge St	200	York.
3	Jan. 21 -	Thomas Phillips, D.D., Etobicoke {	3, 4 West Part 3 4	1st Range 2d - 2d, 3d, & 4th do.	205	Etobicoke.
4	Jan. 18 -	Alex. N. Bethune, Cobourg - {	Part 15 W. $\frac{1}{4}$ 15 27 E. $\frac{1}{2}$ 2	Broken Front B. - A. 6 7	About 400	} Hamilton.
5	Jan. 18 -	Michael Harris, Perth - - {	17 4	7 1	200 200	Bathurst. Drummond.
6	Jan. 16 -	Robert F. Grout, Grimsby -	11, 12, 13, 14	6	400	Grimsby.
7	Jan. 16 -	R. H. D'Olier, Peterborough - {	17 40 Park Lots, 15, 16 Town Lots, 1, 2, 3, 4 }	2 13 3 On Hunter Water & Brock Streets }	400 20 4	Smith. Monaghan. Peterborough.
8	Jan. 16 -	Francis Erans, Woodhouse - {	$\frac{3}{4}$ of 1 S. W. $\frac{1}{4}$ 2 Nth Part 6 Part 10 }	3 1 4	402	Woodhouse.
9	Jan. 16 -	John Anderson, Waterloo -	6, 7	5th & 6th	400	Bertie.
10	Jan. 16 -	*William Betteridge, Woodstock {	2 16	1 5	200 200	Oxford West. Oxford East.
11	Jan. 16 -	John Miller, Ancaster - -	39, 40	5	400	Ancaster.
12	Jan. 16 -	Henry Patton, Kemptville - {	E. $\frac{1}{4}$ 15 16 16 }	1 6	450	Oxford (Johns- town Dt.)
13	Jan. 16 -	Samuel Armour, Cavan - - {	17 10	4 10	400	Cavan.
14	Jan. 16 -	George Mortimer, Thornhill -	N. $\frac{1}{2}$ 27	1	105	Vaughan.
15	Jan. 18 -	William Macaulay, Picton - {	N. E. Part Block D. }	-	400	Sophiasburgh.
16	Jan. 16 -	Robert Blakey, Prescott - {	18, 19, and Commons between }	4	450	Augusta.
17	Jan. 18 -	William H. Gunning, Elizabeth Town	19, 20	5	400	Elizabeth Town.
18	Jan. 18 -	Frederick Mack, Wellington } Square - - - }	6 10	2 4	400	Flamborough East.
19	Jan. 18 -	James Coghlan, Port Hope - {	Part 9 27 6	1 4 8	36 400	} Hope.

* By a Patent dated the 31st May 1836, under the Authority of an Order in Council dated 27th November 1834, the Rev. Wm. Betteridge also received as an Endowment for his Rectory 29 Acres, composed of different Lots in the Village of Woodstock.

CREATION OF RECTORIES IN UPPER CANADA.

7

No.	Date.	Minister and Rectory.	Lot.	Concession.	Acres.	Township.
	1836.					
20	Jan. 19	Benjamin Cronyn, London (No.1.)	{ Part of the Town Plot 2, 13 }	— C.	4 ² / ₁₀ 400	London. — (Township.)
21	Jan. 19	Benjamin Cronyn, London (No.2.)	{ Part of 15, 16 15 }	3 7 }	379 ¹ / ₂	London.
22	Jan. 21	Vincent P. Meyerhoffer, Mark- ham - - - }	9 19	5 9	200 200	Markham. Vaughan.
23	Jan. 21	George O. Stuart, D.D., Kingston	{ Block C. adjoin- ing the Town E. $\frac{3}{4}$ 12 13 W. $\frac{3}{4}$ 14 42 }	- - - 4 3	18 500 200	Kingston. — Ernest Town.
24	Jan. 21	Thomas Creen, Niagara - - }	{ 126, 127 128, 130 }	- - -	400	Niagara.
25	Jan. 21	John Cochran, Belleville - }	{ 16, 17 Rear Part 4 }	1	418	Thurlow.
26	Jan. 21	George Archbold, Cornwall - }	{ 19 $\frac{3}{4}$ 38 A Stripe of Land between the Town and 2d Concession - }	8 }	410	Cornwall.
27	Jan. 21	John Radcliffe, Warwick -	15, 25	1	400	Warwick.
28	Jan. 21	Saltern Givins, Naponee - -	15, 16	4	400	Richmond.
29	Jan. 21	Dominick E. Blake, Adelaide - }	{ 12 25 Town Lots 8 & 9 }	{ 1, North Egre- mont Road - 2, South Do. - On Front Street - }	About } 400 }	Adelaide.
30	Jan. 22	James Clark, St. Catherine's -	3	5th & 6th	400	Grantham.
31	Jan. 22	Jonathan Short, Beckwith - }	{ 17 N.E. $\frac{1}{2}$ 21 W. $\frac{1}{2}$ 29 }	{ 1 2 }	400	Beckwith.
32	Jan. 22	Romain Rolph, Amherstburgh -	80, 81	7	400	Malden.
33	Jan. 22	Job Deacon, Adolphustown - }	{ 24, 25 6, 7, 8 6, 7, 8 }	{ 1 North of 3d Street South of 4th Street }	164	Adolphustown.
34	Jan. 22	William Leeming, Chippewa, - }	{ 72, 88 89, 106 }	- - -	400	Stamford.
35	Jan. 21	Arthur Palmer, Guelph - - }	{ C. in Division A.; Reserve Lot between C. and the River Speed; Lots 14 and 15 in Division A. - Centre Part of St. George's Square Rear $\frac{1}{2}$'s 3 & 4 Broken Lots, 3 & 4 }	{ 10, Con. 11 }	86 Perches 54 ¹ / ₂ 326	Guelph. — Puslinch.
36	Jan. 22	*Rectory of Thorald - - }	{ 98, 99 100, 121 }	- - -	400	Thorold.
37	Jan. 22	*Rectory of Louth - - }	{ 11, 12 12 }	{ 4 5 }	300	Louth.
38	Jan. 22	*Rectory of Fredericksburgh -	9, 10, 11	2	250	Fredericksburgh.
39	Jan. 21	*Rectory of Bath - - }	{ Part 12 12 W. $\frac{3}{4}$ 14 }	4	400	Ernest Town.
40	Jan. 22	*Rectory of Williamsburgh -	18, 19	4	400	Williamsburgh.
41	Jan. 21	*Rectory of Richmond - - }	{ 24 17 }	{ 5 9 }	200 200	Goulburn. Fitzroy.

Mem.—No Ministers have yet been presented to the Rectories marked thus (*).

(48.)

8

PAPERS RESPECTING THE

No.	Date.	Minister and Rectory.	Lot.	Concession.	Acres.	Township.
42	1836. Jan. 21	*Rectory of Clark - - {	20, 27 Part 34 }	2	415	Clark.
43	Jan. 21	*Rectory of Darlington - - -	25, 31	1	400	Darlington.
44	Jan. 21	*Rectory of Barrie - - {	131, 132, 133 { 114, 115 { 116 { 28 { 10 { 10 {	North of Marks Street - North of Wors- ley Street - South of M'Do- nald Street - 13 14 8	— About 420 }	Town of Barrie. Vespra.

Mem.—No Ministers have yet been presented to the Rectories marked thus (*).

(D.)

In addition to the foregoing, Patents were engrossed at the same Period in the Secretary's Office for the following Rectories, under the like Authority, but were stayed by His Majesty's Attorney General, and have not since been completed.

No.	Ministers and Rectories.	Lot.	Concession.	Acres.	Township.
1	James Padfield, March - -	2, 34	4, on the Rideau - -	400	Nepeau.
2	Robert Lugger, Brantford - {	3 9 }	2 3 }	400	Burford.
3	Richard Flood, Delaware - - {	22 { 16 {	1st Range, North Long- wood Road. - - 1, Con. - - -	435	Carradoc.
4	J. G. Beck Lindsay, Matilda * - {	Part of Centre Commons between 1st and 2d Concessions - - The Centre Commons between 18 and 19, 1st, 3d, and 4th Concessions - 19	1st 6, Western Boundary -	37½ 163 200	Williamsburgh. Matilda. —
5	Edward J. Boswell, Carleton Place {	26 2	2 7 }	400	Ramsay.
6	Mark Burnham, Yarmouth - {	9 17	1 4 }	400	Southwold.
7	A. H. Burwell, By Town - -	17, 18	1, on Ottawa - -	400	Gloucester.
8	James Magrath, Springfield - {	23 29 Part of 9 {	2 } East Hurontario Street 4 } Indian Reserve on the River Credit - -	400 45	Chinquacousy. Toronto.
9	William Johnson, Sandwich - {	3 N. ½ 1 { 8	East of River Aux Puces Between Aux Puces and River Aux Pêches - Broken Front - -	About 400 }	Maidstone. Tilbury West.
10	Rectory of Chatham - (No Minister yet presented.) - {	8, 15 2 {	1 Between Belle River and River Ruscom - -	About 400 }	Tilbury West. Rochester.

CREATION OF RECTORIES IN UPPER CANADA.

9

(E.)

A SCHEDULE of PATENTS completed in the Office of the SECRETARY and REGISTRAR of the PROVINCE for LAND to certain CLERGYMEN of the Church of England, in return for Property ceded by them to the Crown, for ENDOWMENTS to their respective Rectories, specifying the different Orders in Council and under which the same were granted.

Date of Order in Council.	Date of Patent.	Grantee.	Extent of Grant.				Property ceded, &c.			
			Lot.	Con.	Acres.	Township.	Lot.	Con.	Acres.	Townships.
1834 : Feb. 3	1834 : Oct. 24	Rev. Arthur Palmer, Guelph.	12 15, 25 20	14 15 16	200 400 186	Zorra -	{ C in Division A ; the reserve Lot between C & the River Speed ; Lots 14 & 15 in Division A ; 86 Acres. }			Guelph.
1835 : April 29	1835 : May 5	Rev. J. Coghlan, Port Hope.	W. ½ 15 31 20 E. ½ 8 15 E. part 12 2 S. ½ 9 10 E. ½ 16 27 S.W. ¼ 3	7 7 8 11 13 14 9 9 14 5 2 & 8 6	100 200 200 100 200 50 200 100 400 50	- - - Otonabee. Cavan. Emily. Hope. Seymour.	Part of 9.	1	36	Hope.
1835 : Jan. 8	1835 : Nov. 23	Rev. G. Mortimer, Thornhill.	22 27 18 12, 20 14 N. ½ 16 broken 30	12 6 7 8 3 3 1	200 200 200 400 200 100 36	Innisfil - Essa. Puslinch.	S. ½ 27	1	105	Vaughan.
1835 : Oct. 1	1835 : Oct. 28	Rev. Benjamin Cronyn, London.	broken 31 broken 12 Part 15 12 — 15 20 15 20 31 broken 36	3 B 3 2 — 11 12 13 & 15 2 3 2	157 13 26 200 200 200 200 400 200 200 96	- - - London. Nissouri.	Part 16 (Together with Dwelling House and Appurtenances.)	3	A. P. 4 34	London.
	1836 : Feb. 23	- - -	2	7	200	London.				
1835 : April 24	1835 : Nov. 28	Rev. V. P. Meyerhoffer, Markham.	9	5	70	Markham -	Part of 17.	5	70	Markham.
1836 : Jan. 7	1836 : Feb. 19	Rev. Francis Evans, Woodhouse.	2, 9, 16 3	7 8	200 200	Walpole -	Part of 1. S. W. ¼ 2.	3 3	50 50	Woodhouse.
and all Houses, Rents, &c.										

Provincial Secretary and Registrar's Office,
8th December 1836.

D. CAMERON,
Secy & Regr.

PAPERS RESPECTING THE

(F.)

A RETURN of PROPERTY surrendered by certain Clergymen of the Church of England and others ; showing the VALUE of said Property, and the Lands granted in lieu thereof intended as Endowments.

Name.	Property surrendered.	Received in lieu.				Date of Order in Council.
		Lot.	Con.		Acres.	
Rev. James Coghlan	- Part of Lot No. 9 in the 1st Concession of Hope, 36 Acres, with Messuage or Dwelling House surrendered; Value, 1,060 <i>l.</i> 6 <i>s.</i> 3 <i>d.</i>	27	2	Hope	- 200	1st May 1835.
		27	8	—	- 200	
		2	9	Cavan	- 200	
		S. $\frac{1}{2}$ 9	9	—	- 100	
		E. $\frac{1}{2}$ 16	5	Emily	- 100	
		N. $\frac{1}{2}$ and S.E. $\frac{1}{4}$ of 3	6	Seymour	- 150	
		N. Part 2	5	—	- 70	
					<u>1,020</u>	
Rev. George Mortimer	- N. $\frac{1}{2}$ 27 West Side of Yonge Street in the 1st Concession of the Township of Vaughan, 105 Acres; Value, 750 <i>l.</i>	14	3	- Puslinch	-	10th April 1834.
		R. $\frac{1}{2}$ 16	3		- 336	
		30	1			
		22	12	Innisfil	- 200	
		27	6	- Essa	-	
		18	7		- 800	
		12 & 20	8			
					<u>1,336</u>	
Rev. Benjamin Cronyn	- Part of Lot No. 16 in the 3d Concession of London, containing 4 Acres and 34 Poles, with Messuage or Dwelling House, Outhouses, Offices, and Buildings; Value, 1,180 <i>l.</i>	12	2	- London	-	1st October 1835.
		Part 15	3		-	
		31	3			
		15	11	- 1,396		
		20	12			
		15	13			
		15	15			
		12	B			
		2	7	- Nissouri	-	
		20	2			
		36	2		- 496	
		31	3			
					<u>1,892</u>	
Rev. Francis Evans	- S. W. $\frac{1}{4}$ of Clergy Reserve, Lot 2, the 3d Concession, 50 Acres; and the South Part, No. 1, in 3d Concession, Woodhouse, 50 Acres; Value, 600 <i>l.</i>	2, 9, 16	7	- Walpole	-	7th January 1836.
		3	8		- 800	
Rev. Philip Mayerhoffer	- Rear Part of Lot No. 17 in the 5th Concession of Markham, 70 Acres; Value, 250 <i>l.</i>	19	5	Markham	- 200	24th April 1835.
Rear Admiral Vansittart	- A House, Two Acres, and Two Lots of Land, Blandford, and 26 Acres in Oxford East, Value 935 <i>l.</i> , for the Church at Woodstock.	3,690 Acres in the Township of Bexley, District of Newcastle.				20th January 1836.

(Signed) JOHN BEIKIE,
Clerk Executive Council.

No. 3.

(No. 51.)

COPY of a DESPATCH from Sir F. B. HEAD, K.C.H., Lieutenant Governor of Upper Canada, to Lord GLENELG.

No. 3.
Lieut. Governor
Sir F. B. Head
to
Lord Glenelg,
2d May 1837.

My Lord,

Toronto, Upper Canada, 2d May 1837.

I HAVE the Honour to transmit to your Lordship a Copy of an Address which has been presented to me by Mr. Hugh Scobie and Mr. David Brodie, requesting me to transmit to your Lordship a Document, purporting to be, "a Copy of an Address to the King by the Assembly of Delegates in connexion with the Established Church of Scotland, who met at Cobourg on the 14th April."

As the Object of this Address is to prove, that the Act of the Imperial Parliament, 31 Geo. III. Cap. 31. is an Infringement of the Rights of the Petitioners, I do not think it necessary to offer any Observations to your Lordship on the Subject.

I have, &c.

(Signed) F. B. HEAD.

Enclosure referred to in No. 3.

(Copy.)

To His Excellency Sir Francis Bond Head, K. C. H., Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

Enclosure.

May it please your Excellency,

We beg leave most respectfully to present to your Excellency a Copy of the Address to His Majesty of the Assembly of Delegates in connexion with the Established Church of Scotland, who met at Cobourg on the 14th instant, and pray that your Excellency may be pleased to transmit the same to the Right Honourable Lord Glenelg, Secretary for the Colonies; and also, that you may be pleased to recommend the same to His Majesty's favourable Consideration.

And, as in Duty bound, we shall ever pray.

(Signed)

WALTER TELFER.
HUGH SCOBIE.
DAVID BRODIE.

Cobourg,
17th April 1837.

(Copy.)

To the King's most Excellent Majesty.

May it please Your Majesty,

We, Your Majesty's most dutiful and loyal Subjects, Delegates appointed to meet at Cobourg by the Presbyterian Congregations in Canada, in connexion with the Established Church of Scotland, to consider what Measures, at the present Crisis, it might be most expedient to adopt, in order to remove the spiritual Disabilities under which we labour, beg leave, in the Name of the whole Members of our Church in Canada, most humbly to approach Your Majesty, and to express our sincere Attachment and Loyalty to Your Majesty's Royal Person and Government.

We beg leave most humbly to represent to Your Majesty, that the Churches of Scotland and England were established by Acts of the Parliament of the separate Kingdoms, and were confirmed by the Act of Union, whereby a "Communication of all Rights, Privileges, and Advantages is secured to the Subjects of either Kingdom," and therefore the Status of the Two Churches so established is co-ordinate in the British Colonies.

With the utmost Deference, we humbly state to Your Majesty that the fundamental Principles of the Act of Union, which were guaranteed to us with so much Jealousy by our Forefathers in perilous Times, and which every true Scotsman must always consider as a Birthright not to be infringed upon, cannot be in any way affected by an Act of the Imperial Parliament of Great Britain without doing manifest Injustice to Your Majesty's dutiful and loyal Scottish Subjects.

(48.)

The

No. 3.
Lieut. Governor
Sir F. B. Head
to
Lord Glenelg,
2d May 1837.
—
Enclosure.

The Act of the Imperial Parliament, 31 Geo. 3. c. 31., appears to Your Majesty's Petitioners to be an Infringement upon their Rights, in so far as it provides for the Establishment and Endowment of Rectories in Canada and the Presentation of Incumbents or Ministers of the Church of England thereto, with the Powers thereby conferred on them. And the recent Establishment and Endowment of Fifty-seven Rectories in this Province is a further Infringement upon their Rights, in respect that these Incumbents or Ministers are invested with Spiritual Jurisdiction, not only over Your Majesty's dutiful and loyal Subjects of the Sister Church, but also over all Denominations of Christians within the Bounds of their respective Rectories.

Your Majesty's Petitioners anxiously hoped that the Authority which Your Majesty was graciously pleased to transmit to Your late Representative, Sir John Colborne, in this Province, to refer the Settlement of the Disputes which had arisen in the Colony respecting the Clergy Reserves to the Local Parliament, would have prevented Your Majesty's late Representative from establishing and endowing the Rectories above alluded to; and Your Petitioners are unwilling to assume that Your Majesty would have instructed Your Representative at that Time to establish these Rectories; and we most humbly assure Your Majesty that that Act has tended more than any other Circumstance to diminish the Estimation of a large Majority of Your Majesty's loyal Subjects of the Equity and Wisdom of Your Majesty's Government in this Province.

Your Petitioners therefore most humbly pray, that Your Majesty may be graciously pleased to listen to our Complaints, and to take them into Your Royal Consideration, and to adopt such Measures, in Terms of the Act of the General Assembly of the Church of Scotland passed in 1833, as will constitute all Sessions, Presbyteries, and Synods which now are or hereafter may be in connexion with the Church of Scotland in Canada, into Bodies Corporate, to the effect of holding Lands, Buildings, and other Property for Ecclesiastical and Educational Purposes, and as will give Effect to the Judgments and Proceedings of our Ecclesiastical Courts in Matters Spiritual, in the same Manner as is done in Scotland; and also such Measures as will effectually remove the Disabilities of which we complain, and place us on that Footing to which by the Act of Union we are entitled, but restricting both the Powers of our Clergy and also of those of the Sister Church to the Members of their own Congregations within this Province.

And, as in Duty bound, Your Petitioners will ever pray.

(Signed by Twenty-six Delegates.)

No. 4.

(No. 199.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, Bart., Lieutenant Governor of Upper Canada.

No. 4.
Lord Glenelg
to
Lieut. Governor
Sir F. B. Head,
6th July 1837.
—

Sir,

Downing Street, 6th July 1837.

I HAVE received your Despatch, dated the 2d May last, No. 51., enclosing the Copy of an Address to the King, by the Assembly of Delegates, in conjunction with the Established Church of Scotland, and the Copy of an Address from the same Parties to yourself, praying you to transmit to me the Copy of the Address to the King, and to recommend the same to His Majesty's favourable Consideration.

This Address, as you have observed, asserts that the Constitutional Act of the Canadas of the Year 1791 is an Infringement of the Rights of the Petitioners; you therefore think it needless to offer any Observations on the Subject. I entirely concur with you in thinking, that, in the Administration of the Government of the Province, neither Her Majesty's confidential Advisers nor you had any proper Concern with the Question, whether the Constitution of 1791 was wisely framed, or consistent with the just Pretensions of each of the Three Kingdoms now constituting the United Kingdom of Great Britain and Ireland. It is sufficient for us to know, that the British Legislature have enacted that Law, and that the Legislature of the United Kingdom is alone capable

No. 4.
 Lord Glenelg
 to
 Lieut. Governor
 Sir F. B. Head,
 6th July 1837.

capable to repeal or to amend it. The Duty of the Executive Government is simply to execute its Provisions. In this Conclusion you have rested, and there also I should have been inclined to terminate the Discussion, if I had not recently found Cause to suppose that the Act of 1791 has received an erroneous Construction from the Petitioners, as well as from others of deservedly great Authority in the Province. It is important to rescue the Constitution from a Censure and a consequent Unpopularity to which it is not justly obnoxious.

The Petitioners maintain that the Act of 1791 is an Infringement on their Rights, because it provides for the Endowment of Rectories in Canada, and for the Presentation of Ministers of the Church of England as Incumbents, and because it invests those Incumbents with Spiritual Jurisdiction over all Denominations of Christians within the Bounds of their respective Rectories. To show that this alleged Grievance is not merely a theoretical Evil, but a practical Wrong, the Petitioners refer to the Establishment of Fifty-seven Rectories in January 1836. They complain of this Measure as a Departure from the Pledge of the Crown to refer to the Local Parliament the Settlement of the Disputes which had arisen respecting the Clergy Reserves, and declare themselves unwilling to assume that the King would at that Time have instructed His Majesty's Representative to have established those Rectories; they then declare that this Act has tended more than any other Circumstance to diminish the Estimation of the Equity of His Majesty's Government in the Province, and as a Reparation they call upon the King, in substance, to invest the Church of Scotland with Powers co-extensive with those which are enjoyed by the Sister Church of England, but to restrict the Spiritual Authority of both to their own peculiar Members. Without expressing a decided Opinion as to the Nature and Extent of the Spiritual Jurisdiction which would accompany the Creation of any Rectories under the Act of 1791, I trust that the following Explanation of the Measures which I have taken in the Interval which has elapsed since I received your Despatch of the 17th December last, No. 101., upon the Subject of the Fifty-seven Rectories created by an Act of your immediate Predecessor in the Government, will convince the Petitioners of the Church of Scotland that they have to a certain Extent misapprehended the Act of 1791, so far at least as that Statute may be supposed to have authorized the Establishment of the Rectories in question.

You are aware that your Despatch of the 17th December 1836 contained the first official Intimation which ever reached me of the Rectories having been either established or endowed. The Fact had been asserted in Parliament, but I was not only officially uninformed, but really ignorant that it had occurred; I therefore requested you to supply me with the necessary Information, and until it reached me in the Month of February last, I was entirely destitute of all authentic Intelligence as to what had really been done.

You will not, I trust, even for a Moment, suppose that I refer in the Spirit of Censure or Complaint to the Silence of the Provincial Government on this Occasion; it admits of an obvious Explanation. The Creation and Endowment of the Rectories was almost the last Act of Sir John Colborne's Administration; and as at that Time you were actually on your Way from New York to Toronto, your Predecessor probably assumed that the Proceeding would be reported by you, he having at last, as it may well be imagined, scarcely Leisure enough for the Discharge of his many indispensable and urgent public Duties. On the other hand, it is impossible not to respect the Feelings which indisposed you to enter on the Subject. Regretting the Measure itself as creating a new Embarrassment in your Path, at that Time beset by Difficulties of no ordinary Kind, and naturally regarding it as irremediable, you preferred to contend with this Obstacle silently rather than to avail yourself of it, either as an Apology in the event of Failure, or as enhancing your own Merit in the event of Success. To this generous Solicitude for the Credit of your immediate Predecessor I have always attributed your Omission to report his Proceedings with regard to the Rectories; and I fully admit, that with the Opinion which you entertained, and could scarcely have failed to entertain, as to the Validity of the Act itself, the Motives for making it a Subject of Correspondence were but few and of no great Weight.

Although, for the Reasons to be subsequently stated, I am compelled to think that the Creation and Endowment of the Rectories were not lawful or

No. 4.
 Lord Glenelg
 to
 Lieut. Governor
 Sir F. B. Head,
 6th July 1837.

valid Measures, yet it would be most foreign to my real Intention if I should be supposed to cast any Doubt on the Propriety of Sir John Colborne's Conduct in reference to them. That distinguished Officer has given too many Proofs of his devoted Zeal for His Majesty's Service, and for the Good of the King's Subjects, to permit the Admission of even a Surmise injurious to his public Spirit on this or any other Occasion; and although I may differ from him in Opinion as to the Expediency of establishing the Rectories, especially at the Moment chosen for that Purpose, yet I am convinced that Sir John Colborne would as readily as any Man acknowledge that opposite Views of the Public Interest, upon any particular Question, may be entertained by Men engaged in the same Branch of His Majesty's Service without derogating in the slightest Degree from their mutual Esteem and Confidence. Indeed, in proportion to the Strength of those Feelings will usually be the Freedom with which such opposite Views are avowed and discussed.

On receiving your Despatch of the 17th December, it appeared to me very questionable whether any adequate legal Authority existed for the Creation or Endowment of the Rectories. I did not indeed perceive any possible Ground for disputing the Right of the Lieutenant Governor in Council to proceed to that Measure, if previously sanctioned by the King; but on referring to the Commissions of Lords Aylmer and Gosford, to the General Instructions accompanying them, to the Correspondence between this Department and the Provincial Government, and to the Minutes of the Executive Council of the 15th January 1836, it appeared to me that no such Sanction had ever been given. The Grounds of this Opinion you will learn from the accompanying Copy of the Communication which I thought it necessary to address to the King's Advocate and to the Attorney and Solicitor General.

The Law Officers of the Crown received that Reference on the 12th April, and reported to me their Answer on the 8th Ultimo. The Delay is readily accounted for by the great Importance of the Question, and by the Anxiety of His Majesty's Legal Advisers to offer no immature Judgment on such an Occasion. I enclose for your Information a Copy of their Report. You will find that they declare their Opinion to be, that the Erection and the Endowment of the Fifty-seven Rectories by Sir J. Colborne are not valid and lawful Acts.

I confess myself to be much embarrassed by this Decision; it imposes upon Her Majesty's Government a Duty which is for many Reasons exceedingly irksome. The Demands of the Members of the Church of Scotland would forbid a silent Acquiescence in what has been done, even if such Inaction were otherwise compatible with the Obligations of the Office which I have the Honour to hold; yet I feel that by acting on the Advice of the Law Officers of the Crown in this Instance I shall inevitably appear to be assuming an Attitude of Opposition to the Interests of the Church of England. I can, however, only pursue the straight Path which lies before me; trusting that if I shall not at first escape Misconstruction, I shall ultimately be acquitted by the Parties more immediately concerned of any Failure in the Affection and Veneration for the Church of England which should characterize every sincere Member of her Communion.

It is of course possible that the Statement on which the Law Officers of the Crown have founded their Opinion may be erroneous or defective, although it is certain that the utmost Care and Labour have been bestowed on the Investigation of the Facts of the Case. It is also possible that Her Majesty's Legal Advisers may have misapprehended the Law, although it is equally clear that they have bestowed their most patient and laborious Attention on the Questions proposed to them. But, advertent to each of these possible Sources of Error, my first Solicitude is to ascertain whether any such Mistake has really occurred. You will therefore have the goodness to communicate a Copy of this Despatch to the Archdeacon of Toronto, who will probably think it right to lay it before the Bishop of Montreal, who is now officiating as Bishop of the Diocese of Quebec; and you will invite his Lordship and the Archdeacon to inform you whether they are aware of any material Fact omitted in the Case laid before the Crown Lawyers, or inaccurately stated there, or of any important Argument which may be supposed to have escaped the Notice of those Learned Persons. If any such Error or Oversight shall appear to you to have been committed,

you

you will suspend all further Proceedings until you shall have reported on the Case to me, and shall have received my further Instructions.

If no such Error shall be pointed out by the Bishop or the Archdeacon, or shall occur to yourself, you will then consult with them as to the Method by which the Question of Law can be brought to an Adjudication with the least Delay, Inconvenience, and Expense, and with the least Danger of placing the Local Government in the invidious Position of being engaged in an open Controversy with the Church of England in the Province. I trust that some Method will be found of obtaining the Judgment of the Court of Queen's Bench in a Form which will exclude the Supposition of any unfriendly Feeling on either Side. On this Subject you will, of course, act under the Guidance of your Legal Advisers. It matters little what may be the Shape of the Litigation, if it shall avoid every Semblance of Hostility, and shall be such as to bring the Question of Law fully to Adjudication in such a Manner as will enable either Party to bring the Cause by Appeal under the Review of the Judicial Committee of the Privy Council.

I have assumed that the Bishop and the Archdeacon would not think themselves at liberty to surrender the Rights, apparently vested in the Church of England, in deference to the Opinion of Her Majesty's Legal Advisers, and without the previous Judgment of the proper Legal Tribunals. I must go further, and avow my Opinion that such a Surrender is neither to be asked nor desired. Her Majesty's Government repose indeed in the Law Officers the Confidence to which their high professional Reputation gives them so just a Title; but I am persuaded that it would be more satisfactory to those Learned Persons themselves, as it would be far more agreeable to me and my Colleagues, that Claims of such peculiar Delicacy and Importance should be decided, not on the Responsibility only of the Judgment of The Queen's Advocate and the Attorney and Solicitor General, but on that of the proper Tribunals, after a full Investigation of all the Facts of the Case, and of all the Principles of Law bearing upon them.

On such Subjects as the present little Advantage is gained, while much Inconvenience is incurred by Concealment. The Public at large are so deeply interested in the Result, that they are entitled to know the Progress of the Discussion, when no positive Injury can arise from the Disclosure; you have therefore my Authority to communicate this Despatch or any Passages of it which you may think it not inconvenient to communicate to the Petitioners of the Church of Scotland, as the Answer to their Application. They will perceive that their Request for the Grant of certain peculiar Advantages to their own Church proceeds on an Assumption the Accuracy of which is yet to be decided,—the Assumption, namely, that the Church of England has acquired a valid and lawful Title to the Endowments made in her Favour in January 1836, and to the Spiritual Jurisdiction which is supposed to be incident to those Endowments.

I have, &c.
(Signed) GLENELG.

First Enclosure in No. 4.

(Copy.)

Sir,

Downing Street, 12th April 1837.

The Statute 31 Geo. 3. c. 31. s. 38. enables His Majesty to authorize the respective Governors of Lower Canada and of Upper Canada, with the Advice of the Executive Council, to constitute within each Township or Parish a Parsonage or Rectory according to the Establishment of the Church of England, and to endow every such Parsonage or Rectory with so much of the Clergy Reserves as the Governor, with the Advice of the Council, shall judge to be expedient, under the then existing Circumstances of such Township or Parish.

The Governor's Commission, dated the 6th of July 1835, following in this respect the ancient and established Form, authorizes the Governor, or in his Absence the Lieutenant Governor, with the Advice of the Executive Council, to erect Parsonages in each Township or Parish according to the Establishment of the Church of England, and to endow any such Parsonage or Rectory with

(48.) any

No. 4.
Lord Glenelg
to
Lieut. Governor
Sir F. B. Head,
6th July 1837.

Enclosure.

No. 4.
Lord Glenelg
to
Lieut. Governor
Sir F. B. Head,
6th July 1837.

Enclosure No. 1.

any Part of the Clergy Reserves, "subject nevertheless" (to quote the precise Words of the Commission) "to such Instructions touching the Premises as "shall or may be given you by Us under Our Signet and Sign Manual, or by "Our Order in Our Privy Council, or through one of Our Principal Secretaries of State."

Thus the Authority which His Majesty was enabled by Parliament to impart to the Governor was, in fact, so imparted to him, subject to the King's further Instructions.

From the Date of the Statute 31st Geo. 3. until the Year 1835 the Power of constituting and erecting Parsonages or Rectories was never exercised in Upper Canada; but at the Close of that Year it was called into exercise by the then Lieutenant Governor Sir John Colborne. The Intention to adopt this Measure was not communicated by Sir John Colborne to His Majesty's Government, nor was the Measure itself ever reported by that Officer, having been taken immediately before his Resignation of the Government into the Hands of his Successor Sir Francis Head. The total Number of Rectories thus established appears to have been Fifty-seven.

Having recently received from Sir Francis Head a Report on the Subject, enclosing the Minutes of the Executive Council of Upper Canada of the 15th January 1836, I enclose a Copy of those Minutes. You will perceive from them that the Council founded their Recommendation of this Measure on a Despatch from Lord Goderich of the 5th April 1832, from which they quote One Passage. That Passage, however, is not accurately described. Lord Goderich is represented in the Minutes as expressing his Desire "that a "moderate Portion of Land should be assigned in each Township or Parish "for ensuring the future Comfort, if not the complete Maintenance, of the Rectors."

On referring to the Despatch itself it appears that it expressed his Lordship's Opinion that the greatest Benefit to the Church of England would be derived from applying a Portion at least of the Funds under the Control of the Executive Government "in preparing, as far as may be practicable, for profitable Occupation, that moderate Portion of Land which you (Sir J. C.) propose to assign in each Parish for increasing the future Comfort "if not the complete Maintenance of the Rectors." The Distinction between the Earl of Ripon's Language and the Terms in which it is thus quoted is important. It conveys no Signification of His Majesty's Pleasure, nor indeed any Instruction, respecting the Erection of Parsonages and Rectories, nor even with regard to the Grant of Land for the Maintenance of the Clergy. The main Subject of the Passage is the Application of certain Funds in preparing for profitable Occupation certain Lands, and those Lands are indicated merely by a passing Reference to some Intention entertained and announced by Sir J. Colborne. The Records of this Office contain no Despatch from Sir J. Colborne in which any Allusion is made to the Subject. It may therefore be inferred that Sir J. Colborne's Intentions were made known to Lord Ripon through some private and unofficial Channel.

The Council however appear to have understood Lord Ripon's Expressions as such an Intimation of the King's Pleasure as would justify the Erection and Endowment of Fifty-seven Rectories. That the Words were not designed by his Lordship to be so understood may with some Confidence be inferred from the following Circumstance:—The Statute 31 Geo. 3. sec. 36 to 40. enables the Provincial Legislature, on certain Conditions, to repeal so much of that Act as relates to the Clergy Reserves. On the 21st of November 1831, that is, Six Months before the Date of the Despatch to which Reference is made by the Executive Council, Lord Ripon addressed to Sir J. Colborne a Despatch, in which the Provincial Legislature were invited to exercise this Power, and he expressly recommended that the Repeal should embrace all the Clauses in question, amongst which are included those which relate to the Erection and Endowment of Rectories. The Despatch of the 5th of April 1832 was marked "Confidential;" and it would seem impossible that Lord Ripon could have designed, by such a Communication, to convey to the Lieutenant Governor the King's Sanction for neutralizing to a considerable Extent the Effect of that Repeal, which Five Months before his Lordship had recommended in a Public Despatch.

I enclose

In Sir F. Head's
No. 101. of 17th Dec.

I enclose for your Perusal Copies of the Two Despatches of the 21st November 1831, and of the 5th of April 1832. Vide Page 48.
Vide Page 53.

The Questions which I would propose for your Consideration are the following :

First, Adverting to the Terms of the Statute 31 Geo. 3d. Cap. 31. sec. 36 to 40., and to the Terms of the Royal Commission, could the Lieutenant Governor, with the Advice of the Executive Council, lawfully constitute and erect or endow any Parsonage or Rectory within the Province without the further Signification of His Majesty's Pleasure?

Secondly, Can Lord Ripon's Despatch of 5th April 1832 be regarded as signifying His Majesty's Pleasure for the Erection of Parsonages, or for the Endowment of them, or for either of those Purposes?

Thirdly, Are the Erection and the Endowment of the Fifty-seven Rectories by Sir J. Colborne valid and lawful Acts?

Fourthly, If the preceding Questions be answered in the Affirmative, have the Rectors of the Parishes so erected and endowed the same Ecclesiastical Authority within their respective Limits as are vested in the Rector of a Parish in England, or within what other Bounds is that Authority restricted?

You will have the goodness to consider these Questions in consultation with the King's Advocate and Mr. Solicitor General, and report to me your and their joint Opinion upon them.

I have, &c.

(Signed)

GLENELG.

The Attorney General,
&c. &c. &c.

Second Enclosure in No. 4.

(Copy.)

My Lord,

Doctors Commons, 8th June 1837.

Enclosure No. 2.

WE are honoured with your Lordship's Letter of the 12th of April, stating that the Statute 31 Geo. 3. c. 31. s. 38. enables His Majesty to authorize the respective Governors of Upper Canada and of Lower Canada, with the Advice of the Executive Council, to constitute within each Township or Parish a Parsonage or Rectory, according to the Establishment of the Church of England, and to endow every such Parsonage or Rectory with so much of the Clergy Reserves as the Governors, with the Advice of the Council, shall judge to be expedient under the then existing Circumstances of such Township or Parish.

That the Governor's Commission, dated the 6th July 1835, following in this respect the ancient and established Form, authorizes the Governor, or in his Absence the Lieutenant Governor, with the Advice of the Executive Council, to erect Parsonages in each Township or Parish according to the Establishment of the Church of England, and to endow any such Parsonage or Rectory with any Part of the Clergy Reserves, "subject nevertheless (quoting the " precise Words of the Commission) to such Instructions touching the Premises " as shall or may be given you by Us, under Our Signet and Sign Manual, or " by Our Order in Our Privy Council, or through One of Our Principal " Secretaries of State."

Thus the Authority which His Majesty was enabled by Parliament to impart to the Governor was in fact so imparted to him, subject to the King's further Instructions.

That from the Date of the Statute 31 Geo. 3. until the Year 1835, the Power of consolidating and erecting Parsonages or Rectories was never exercised in Upper Canada; but that at the Close of that Year it was called into exercise by the then Lieutenant Governor Sir John Colborne. That the Intention to adopt this Measure was not communicated by Sir John Colborne to His Majesty's Government, nor was the Measure itself ever reported by that Officer, having been taken immediately before his Resignation of the Government into the Hands of his Successor, Sir F. Head.

That the total Number of Rectories thus established appears to have been Fifty-seven.

(48.)

That

No. 4.
 Lord Glenelg
 to
 Lieut. Governor
 Sir F. B. Head,
 6th July 1837.
 ———
 Enclosure No. 2.

That having recently received from Sir F. Head a Report on the Subject, enclosing the Minutes of the Executive Council of Upper Canada of 15th January 1836, your Lordship encloses a Copy of those Minutes.

That we shall perceive from them that the Council founded their Recommendation of this Measure on a Despatch from Lord Goderich of the 5th April 1832, from which they quote one Passage; that Passage, however, is not accurately described. That Lord Goderich is represented in the Minutes as expressing his Desire "that a moderate Portion of Land should be assigned in such Township or Parish for ensuring the future Comfort if not the comfortable Maintenance of the Rectors."

That, on referring to the Despatch itself, it appears that it expressed his Lordship's Opinion that the greatest Benefit to the Church of England would be derived from applying a Portion at least of the Funds under the Control of the Executive Government "in preparing, as far as may be practicable for profitable Occupation, that moderate Portion of Land which you (Sir J. Colborne) propose to assign in each Parish for increasing the future Comfort, if not the complete Maintenance of the Rectors." The Distinction between the Earl of Ripon's Language and the Terms in which it is thus quoted is important. It conveys no Signification of His Majesty's Pleasure, nor indeed any Instruction respecting the Erection of Parsonages and Rectories, nor even with regard to the Grant of Land for the Maintenance of the Clergy. The main Subject of the Passage is the Application of certain Funds in preparing for profitable Occupation certain Lands, and those Lands are indicated merely by a passing Reference to some Intention entertained and announced by Sir J. Colborne. That the Records of the Colonial Office contain no Despatch from Sir J. Colborne, in which any Allusion is made to the Subject. It may therefore be inferred that Sir J. Colborne's Intentions were made known to Lord Ripon through some private and unofficial Channel.

The Council, however, appear to have understood Lord Ripon's Expression as such an Intimation of the King's Pleasure as would justify the Erection and Endowment of Fifty-seven Rectories. That the Words were not designed by his Lordship to be so understood may, with some Confidence, be inferred from the following Circumstances:—The Statute 31 Geo. 3. s. 36. to 40, enables the Provincial Legislature, on certain Conditions, to repeal so much of that Act as relates to the Clergy Reserves: On the 21st of November 1831, that is, Six Months before the Date of the Despatch to which reference is made by the Executive Council, Lord Ripon addressed to Sir J. Colborne a Despatch, in which the Provincial Legislature were invited to exercise this Power, and he expressly recommended that the Repeal should embrace all the Clauses in question, amongst which are included those which relate to the Erection and Endowment of Rectories.

That the Despatch of the 5th of April 1832 was marked "Confidential," and it would seem impossible that Lord Ripon could have designed by such a Communication to convey to the Lieutenant Governor the King's Sanction for neutralizing, to a considerable Extent, the Effect of that Repeal which Five Months before his Lordship had recommended in a public Despatch.

Your Lordship encloses for our Perusal Copies of the Two Despatches of the 21st of November 1831 and of the 5th April 1832.

The Questions which your Lordship is pleased to propose for our Consideration are the following:—

First, Adverting to the Terms of the Statute 31st Geo. 3. Cap. 31. Sec. 36. to 40. and to the Terms of the Royal Commission, could the Lieutenant Governor, with the Advice of the Executive Council, lawfully constitute and erect or endow any Parsonage or Rectory within the Province without the further Signification of His Majesty's Pleasure?

Secondly, Can Lord Ripon's Despatch of the 5th April 1832 be regarded as signifying His Majesty's Pleasure for the Erection of Parsonages, or for the Endowment of them, or for either of those Purposes?

Thirdly, Are the Erections and Endowment of the Fifty-seven Rectories by Sir J. Colborne valid and lawful Acts?

Fourthly, If the preceding Questions be answered in the Affirmative, Have the Rectors of the Parishes so erected and endowed the same Ecclesiastical Authority

Authority within their respective Limits as is vested in the Rector of a Parish in England, or within what other Bounds is that Authority restricted?

And your Lordship is pleased to request that we would consider these Questions in consultation, and report to your Lordship our joint Opinion upon them.

In obedience to your Lordship's Commands we have considered the several Questions, and have the Honour to report that, adverting to the Terms of the Statute 31 Geo. 3. Cap. 31. Sec. 36. to 40., and to the Terms of the Royal Commission, we are of opinion that the Lieutenant Governor, with the Advice of the Executive Council, could not lawfully constitute and erect or endow any Parsonage or Rectory within the Province without the further Signification of His Majesty's Pleasure.

Secondly, We are of opinion that Lord Ripon's Despatch of the 5th April 1832 cannot be regarded as signifying His Majesty's Pleasure for the Erection of Parsonages, or for the Endowment of them, or for either of those Purposes.

Thirdly, We are of opinion that the Erection and the Endowment of the Fifty-seven Rectories by Sir J. Colborne are not valid and lawful Acts.

We have, &c.

(Signed) J. DODSON.
J. CAMPBELL.
R. M. ROLFE.

The Lord Glenelg.
&c. &c. &c.

No. 4.
Lord Glenelg
to
Lieut. Governor
Sir F. B. Head,
6th July 1837.
Enclosure No. 2.

No. 5.

(No. 102.)

COPY of a DESPATCH from Sir F. B. HEAD, Bart., Lieutenant Governor of Upper Canada, to LORD GLENELG.

My Lord,

Toronto, 16th September 1837.

I HAVE the Honour to inform your Lordship that in obedience to your Lordship's Commands as expressed to me in your Despatch, No. 199., dated 6th July 1837, I immediately communicated a Copy of the said Despatch to the Archdeacon of York, whose Report on the Subject of the Rectories shall be transmitted to your Lordship as soon as I shall receive it. In the meanwhile, however, I deem it advisable to forward to your Lordship Copies of the following Documents, which appear to me to bear upon the Case submitted by your Lordship for Opinion to the King's Advocate and to the Attorney and Solicitor General:—

1. Copy of a Despatch from Lord Bathurst to Mr. President Smith, dated 2d April 1818.
2. Copy of a Despatch from Lord Bathurst to Major General Sir Peregrine Maitland, dated 22d July 1825.
3. Copy of a Report of the Honourable the Executive Council on the Subject of Parsonages and Rectories to be constituted and erected in every Township or Parish within this Province, according to the Establishment of the Church of England, dated 21st November 1825.

I have, &c.
(Signed) F. B. HEAD.

No. 5.
Lieut. Governor
Sir F. B. Head
to
Lord Glenelg,
16th Sept. 1837.

First Enclosure referred to in No. 5.

Enclosure No. 1.

(Copy.)

Sir,

Downing Street, 2d April 1818.

The Bishop of Quebec has frequently brought under my Consideration the Advantages which would result to the Interests of the Church of England in the Province under your Government from the legal Establishment of Parishes and Rectories in conformity with the Provision contained in the 31st Geo. 3. Cap. 31.

As I entirely concur with his Lordship in the Propriety of adopting a Measure calculated to give to the Protestant Church in the Canadas the Support

(48.)

No. 5.
 Lieut. Governor
 Sir F. B. Head
 to
 Lord Glenelg,
 16th Sept. 1837.
 ———
 Enclosure No. 1.

Support which it was in the Contemplation of the Parliament of this Country to afford to it, I have not failed to submit his Lordship's Representation to the Prince Regent, and I have received His Royal Highness's Commands to instruct you to take the necessary legal Measures for constituting and erecting Rectories and Parishes in every Township within the Province under your Government; and you will also take care that it be distinctly understood that the Constitution of Parishes and Rectories can give no Claim whatever to any Incumbent to receive Tithes of the Land within the Limits of his Parish; all Claim of that Nature having been effectually annulled by the Provision for the Support of a Protestant Clergy made in the 31st of the King, and by the declaratory Law passed by the Legislature of the Province in 1816. The Endowment of the several Rectories with due Portions of the Clergy Reserves will be necessarily a Matter of future Consideration, and until the more general Settlement and Cultivation of the Province shall have taken place, I consider it advisable that the Management of the several Reserves should, as is the Case in the Lower Province, be vested in a Corporate Body, or continue, as at present, under the Control of the Lieutenant Governor and Executive Council.

I have, &c.

Mr. President Smith,
 &c. &c. &c.

(Signed) BATHURST.

Second Enclosure referred to in No., 5.

Enclosure No. 2. (Copy.)
 ———
 Sir,

Downing Street, 22d July 1825.

I have received His Majesty's Commands to direct that you do from Time to Time, with the Advice of the Executive Council for the Affairs of the Province of Upper Canada, constitute and erect within every Township or Parish which now is or hereafter may be formed, constituted, or erected within the said Province, One or more Parsonage or Rectory or Parsonages or Rectories according to the Establishment of the Church of England; and that you do from Time to Time, by an Instrument under the Great Seal of the said Province, endow every such Parsonage or Rectory with so much or such Parts of the Land so allotted and appropriated as aforesaid in respect of any Lands within such Township or Parish which shall have been granted subsequently to the Commencement of a certain Act of the Parliament of Great Britain passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, intituled "An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province,'" or of such Lands as may have been allotted and appropriated for the same Purpose by or in virtue of any Instruction which may have been given by His said late Majesty before the Commencement of the said Act, as you shall, with the Advice of the said Executive Council, judge to be expedient under the existing Circumstances of such Township or Parish.

You shall also present to every such Parsonage or Rectory an Incumbent or Minister of the Church of England who shall have been duly ordained according to the Rites of the said Church, and supply from Time to Time such Vacancies as may happen therein.

I have &c.

Major General
 Sir Peregrine Maitland, K. C. B.

(Signed) BATHURST.

CREATION OF RECTORIES IN UPPER CANADA.

21

Third Enclosure referred to in No. 5.

(Copy.)

Executive Council Chamber at York, Monday, 21st November 1825.

PRESENT,

The Honourable William Campbell, Chief Justice, Chairman.
 The Honourable James Baby.
 The Honourable and Reverend Doctor John Strachan.

To His Excellency Sir Peregrine Maitland, K.C.B., Lieutenant Governor
 of the Province of Upper Canada, and Major General commanding
 His Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

The Executive Council, having had under their Consideration the Despatch of the Right Honourable Earl Bathurst, His Majesty's Principal Secretary of State for the Colonies, dated Downing Street, 22d July 1825, directing your Excellency, by His Majesty's Commands, to constitute and erect from Time to Time, with the Advice of the Executive Council for the Affairs of the Province of Upper Canada, within every Township or Parish which now is or hereafter may be formed, constituted, or erected within the said Province, One or more Parsonage or Rectory or Parsonages or Rectories according to the Establishment of the Church of England; and that your Excellency do from Time to Time, by an Instrument under the Great Seal of the said Province, endow every such Parsonage or Rectory with so much or such Parts of the Land so allotted and appropriated as aforesaid in respect of any Lands within such Township or Parish which shall have been granted subsequently to the Commencement of a certain Act of the Parliament of Great Britain passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, intituled "An Act " to repeal certain Parts of an Act passed in the Fourteenth Year of His " Majesty's Reign, intituled 'An Act for making more effectual Provision for " the Government of the Province of Quebec in North America, and to make " further Provision for the Government of the said Province,' " or of such Lands as may have been allotted and appropriated for the same Purpose by or in virtue of any Instruction which may have been given by His said late Majesty before the Commencement of the said Act, as your Excellency shall, with the Advice of the said Executive Council, judge to be expedient under the existing Circumstances of such Township or Parish,—most respectfully report:—

That they are convinced of the Propriety of dividing the Province into Parishes with as little Delay as possible, not only because it appears necessary before the new System of Land-granting goes into operation, which implies such Division to have previously taken place, but as giving a religious Character to the Country; but in carrying the Measure into effect, the Townships not being of equal Dimensions, though all too large for One Parish, the Board find some Difficulty in advising into how many they ought to be divided.

On reference to the Surveyor General it is found that a numerous Class of Townships are those of Nine Miles by Twelve, containing about 69,000 Acres, One Seventh of which, or about 9,800 Acres, is the Appropriation set apart for the Maintenance of a Protestant Clergy.

Assuming only Two Parishes for each of these Townships, it is humbly submitted, that the Appropriation be divided into Three Parts, and, after forming any such Township into Two Parishes by a Division as convenient as Circumstances will admit, that Three thousand three hundred Acres, or One Third of the Appropriation, be attached as an Endowment to the Parsonage of each from the Reserves appertaining or belonging to such Parish; and a similar Proportion be observed in Townships of other Dimensions; that the remaining One Third, consisting of about Three thousand two hundred Acres, be reserved in the Possession of the Corporation for general Purposes, the same to be sold when it shall be deemed for the Interest of the Church; the Proceeds of such Sale to be funded in the British Stocks, and the Interest only to be applied to the Support of a Protestant Clergy.

That a general Fund gradually accumulating as Sales of this One Third take place will be found extremely convenient for the Support of Clergymen in
 (48.) Parishes

No. 5.

Lieut. Governor
 Sir F. B. Head
 to
 Lord Glenelg,
 16th Sept. 1837.

Enclosure No. 3.

No. 5.
 Lieut. Governor
 Sir F. B. Head
 to
 Lord Glenelg,
 16th Sept. 1837.

Enclosure No. 3.
 ————

Parishes till their respective Endowments become available, and likewise to supply Salaries to the Clergymen established in such Towns and Villages as may from Time to Time grow up in different Parts of the Province, and for which there is no particular Provision, and likewise for such Dignitaries as the Church Establishment may be found to require.

Such general disposable Fund becomes further necessary from this Circumstance, that many Townships were settled before 1791, and therefore contain no Reserves, others in which the Reserves form a Block in the Middle, and cannot therefore be productive for a long Time; consequently the Clergymen of such must in the Interim be supported out of the general Fund.

That the Endowment attached to each Parsonage or Parish shall remain with the Corporation for the Purpose of managing and leasing till assumed by the Incumbent as herein-after provided; the Proceeds, while under such Management, being paid into the general Fund.

That the Two Parishes into which any Township is divided may be at first conferred upon the same Incumbent, who shall be required to serve at each once in every Sabbath, except where the Ordinary may deem it expedient to order otherwise.

That so soon as any Clergyman shall prefer his Endowment to the Salary allowed him by Government out of the general Fund arising from Lands sold or leased, it shall be permitted him to do so; and his Salary in such Case shall be transferred to another Parish. For example, suppose in Cornwall, Brockville, or Kingston, &c. the whole Endowment, 6,600 Acres, is divided into Sixty-six Farms of 100 Acres each, and that such Farms let for 5*l.*, they would produce a Revenue of 330*l.*, on which the Incumbent would relinquish his Salary of 200*l.* Sterling, and take the Endowment.

It is further humbly submitted, that as soon as the Endowments of each of the Parishes into which any Township is divided become sufficient to support a Clergyman, One shall be appointed to each at the Request of the Ordinary, saving the Rights of the Incumbent for the Time being.

In building Churches reference, it is respectfully conceived, should be had to the probable Population of the Parish, so that the Number of Pews may be sufficient for its Accommodation; but vacant Pews, till required by the Parishioners, to be at the Disposal of the Vestry by leasing for the Benefit of the Church.

It is also respectfully recommended that the Incumbents of Parishes be restricted in leasing to Three Lives, or Twenty-one Years, the usual Time in such Cases.

As it appears from the Despatch of Lord Bathurst, as well as from 31st of His late Majesty, that, besides One Seventh of the whole Lands which by that Act has been set apart for the Maintenance of a Protestant Clergy, certain other Appropriations have in some Instances been previously made by virtue of Instructions from His said late Majesty, a Return of these from the Surveyor General, together with the Lands appropriated for each Township or Parish respectively, will be found necessary to enable your Excellency in Council to point out the particular Lots or Parcels of Land which shall form the Endowment of any Parsonage or Rectory.

Should your Excellency be pleased to approve of these Suggestions, it is humbly submitted, that Lord Bathurst's Despatch, with this Report, be referred to His Majesty's Attorney General, that the necessary legal Steps may be immediately taken for dividing the Province into Parishes, and constituting and erecting Parsonages or Rectories, with the Endowments, as herein advised.

All which is most respectfully submitted.

(Signed) WILLIAM CAMPBELL, C. J.

No. 6.

(No. 103.)

COPY of a DESPATCH from Sir F. B. HEAD, Bart., Lieutenant Governor of Upper Canada, to Lord GLENELG.

No. 6.
Lieut. Governor
Sir F. B. Head
to
Lord Glenelg,
16th Sept. 1837.

My Lord,

Toronto, 16th September 1837.

AT the Request of the Synod of Canada in connexion with the Church of Scotland, I have the Honour to transmit to your Lordship an Address from that Body to the Queen.

I am further requested to forward Two Memorials from the same Body addressed to your Lordship, having reference to the Claim of that Church to a Share of the Revenue accruing from the Clergy Reserves, and to the Rectories lately constituted in this Province.

I have, &c.
(Signed) F. B. HEAD.

Enclosure in No. 6.

Enclosure.

To the Right Honourable Lord Glenelg, one of Her Majesty's Principal Secretaries of State, the Memorial from the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland.

My Lord,

Your Memorialists in Synod assembled have received through His Excellency Sir Francis Bond Head an Extract of a Despatch from your Lordship, signifying that the Law Officers of the Crown have given an Opinion that the Acts of the late Lieutenant Governor Sir John Colborne, establishing Fifty-seven Rectories in Upper Canada, against which the Presbyterian Body of this Province petitioned His late Majesty, were not valid and lawful Acts, and farther, that your Lordship instructed the Lieutenant Governor to the following Effect: "That your Lordship feels it is possible that the Statement on which the Law Officers of the Crown may have founded their Opinion may be erroneous or defective, and also that they may have misapprehended the Law, and that your Lordship has therefore directed His Excellency to invite the Bishop of Montreal and Archdeacon of York to inform His Excellency whether they are aware of any material Fact omitted in the Case laid before the Crown Lawyers, or inaccurately stated there, or of any important Argument which may be supposed to have escaped the Notice of those Learned Persons, and that if any such Error or Oversight should appear to His Excellency to have been committed, His Excellency is directed by your Lordship to suspend all further Proceedings until His Excellency shall have reported to your Lordship on the Case, and shall have received your Lordship's further Instructions."

Your Memorialists not being aware of the Reasons why an Appeal for Information should be made to the Bishop of Montreal and the Archdeacon of York in reference to the Grounds on which the local Government acted in this Instance, especially as all these Grounds must have been in possession of Her Majesty's Government at the Time the Case was submitted to the Law Officers of the Crown, yet since it has pleased your Lordship to make such a Reference, your Memorialists, whose Rights are very materially involved in the proper Adjudication of this Question, respectfully crave that your Lordship may be pleased to put them in possession of all such Information as may be necessary to defend the Members of the Church of Scotland in this Province from the Injury that may arise from ex-parte Evidence.

Your Memorialists are given to understand, from high Authority, that since the Despatch of Lord Goderich has been declared an insufficient Ground for the Establishment of these Rectories, that the Abettors of the Act will allege some Despatch of Lord Bathurst in 1825, as better Authority. Your Memorialists crave your Lordship's Attention to the Inconvenience and Injustice that may arise to Her Majesty's Subjects in this Colony from the Administrators of the local Government acting on Despatches of very old Date, especially when Despatches more recent are in their Possession, and when the Position of Colonial Affairs which called forth the former may be entirely changed.

(48.)

Finally,

No. 6.
Lord Glenelg
to
Lieut. Governor
Sir F. B. Head,
16th Sept. 1837.

Enclosure.

Finally, That as your Memorialists are of opinion that several of the Clauses in the Act 31 Geo. 3., referring to the Establishment of the Church of England in this Province with the same Plenitude of Privileges she possesses in England, are an Infringement of the Rights of Members of the Church of Scotland in a British Colony as secured by the Treaty of Union, your Memorialists respectfully crave that your Lordship may be pleased to advise the withholding of the Royal Assent to this Act until the Presbyterian Body in this Country shall have been fully heard in their own Defence.

Your Memorialists, &c.

In Name and by Appointment of Synod, this 6th Day of Sept. 1837.
AEX. GALE, Moderator.

No. 7.

(No. 244.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, Bart., Lieutenant Governor of Upper Canada.

Sir,

Downing Street, 15th November 1837.

I HAVE received your Despatch No. 102., of the 16th September, informing me of the Steps which you had taken on the Receipt of my Despatch No. 199., of the 6th July last, and transmitting Copies of several Documents which appeared to you to bear on the Case referred to. I abstain from expressing any further Opinion on this Subject, until I shall have received the Report to which you advert from the Archdeacon of York.

I have, &c.
(Signed) GLENELG.

No. 8.

(No. 113.)

COPY of a DESPATCH from Sir F. B. HEAD, Bart., Lieutenant Governor of Upper Canada, to Lord GLENELG.

No. 8.
Lieut. Governor
Sir F. B. Head
to
Lord Glenelg,
18th Oct. 1837.

My Lord,

Upper Canada, Toronto, 18th October 1837.

HAVING in compliance with your Lordship's Directions furnished the Archdeacon of York with a Copy of your Lordship's Despatch No. 199., on the Subject of certain Rectories established and endowed by Sir John Colborne previously to his leaving this Government, I have now the Honour of transmitting to your Lordship the Archdeacon's Report thereon.

I have, &c.
(Signed) F. B. HEAD.

Enclosure.

Enclosure in No. 8.

Report of the Archdeacon of York.

Sir,

Toronto, Upper Canada, 12th October 1837.

I have the Honour to acknowledge your Letter of the 11th ult., transmitting to me, by Desire of His Excellency the Lieutenant Governor, a Copy of a Despatch of the Right Honourable Lord Glenelg, Her Majesty's Secretary of State for the Colonies, dated the 6th Day of July last, respecting the Establishment of certain Rectories in this Province, and the endowing them with Lands for the Support of the resident Clergymen.

I perceive that his Lordship has been pleased to direct that a Reference should be made to me as Archdeacon of this Portion of the Diocese upon the Subject of this Despatch and its Enclosures, in order that I may state to his Lordship whether in the Case which he has submitted for the Opinion of the Law Officers in England any Fact or Circumstance has been left unnoticed which might have influenced their Decision.

I am

I am thankful for the Opportunity thus afforded me of communicating officially the following Facts in vindication of the Course which has been pursued in this Part of His Majesty's Dominions for affording in Time a secure but a very moderate Provision for a very small Number of the resident Clergy of the Church of England.

The clear and express Enactments of the Statute 31st Geo. 3d. Chap. 31., providing for the Erection of Parishes in Upper Canada, could not for many Years be acted upon in this Province, because it continued almost a dense Forest till after the American War of 1812. Few or no Reserves were leased, and consequently there were no Funds at the Disposal of the Government; the few Clergymen of the Church of England then resident in the Colony were supported as Missionaries by annual Salaries derived from the British Government, and from the venerable Society for the Propagation of the Gospel in Foreign Parts. But though the Situation of the Colony rendered it inexpedient, or rather impossible, to erect Parsonages and Rectories, the Delay did not arise from any Doubt on the Part of the Provincial Government that full and sufficient Power was given to the Governor or Lieutenant Governor in Council by the Royal Commission, and the Instructions with which it was accompanied: had there been the slightest Hesitation on this Point in Upper Canada, it would have been removed by the Proceedings in the Sister Province. So far back as June 1801, at the Instance, I believe, of the Lord Bishop of Quebec, Steps were taken to establish Parishes and Rectories in Lower Canada; and in like Manner since the Peace of 1815 such Proceedings have been from Time to Time had in this Province as seemed best calculated to cherish and gradually to build up the Church as a permanent Ecclesiastical Establishment for the Religious Instruction of the Inhabitants according to the Principles, Rites, and Ceremonies of the National Church of England.

On the 9th of March 1815 the Executive Council, under the Administration of General Sir Gordon Drummond, in reporting on the Petition of the Reverend John Strachan for Remuneration for Monies expended on the Parsonage House of Cornwall for the Residence of the Minister of the Church of England, recommended "that whenever a Church is erected and a Minister appointed to reside " in any Township, the Wardens may be authorized to erect a Parsonage " House by anticipating the Produce of the Clergy Reserves in the Township, " by Loan of a Sum not exceeding Four hundred Pounds, the Principal and " Interest of which Loan shall be paid by such Person as may be charged with " the Receipt of the Clergy Reserve Rents within the Township as they may " become productive. That the Charge on Insurance and ordinary Tenant's " Repairs shall be defrayed by the Incumbent, and all other Repairs by such " Means as the building."

The Report in Council suggesting this Principle for future Guidance in building and erecting Parsonage Houses was transmitted to the Right Honourable Lord Bathurst, Principal Secretary of State, for the Approbation of His Royal Highness the Prince Regent. To this an Answer was returned by Lord Bathurst, dated 10th October 1815:—"The Claim of the Reverend Doctor " Strachan, the present Minister of York, appears from the Report of the Coun- " cil to be deserving of Consideration, and you will therefore consider yourself " authorized to make the Payment which they have recommended."

As the Fund arising from the Rents of Clergy Reserves under Lease accumulated very slowly Application was made to His Majesty's Government by the First Bishop of Quebec, soliciting that the Clergy in a corporate Capacity might be entrusted with the Power of leasing; and accordingly the Corporation for managing the Clergy Reserves in Lower Canada was established by an Instrument under the Great Seal of that Province in 1816, which Instrument had been originally draughted in that Colony by the Law Officers of the Crown. This Draught was sent to the Secretary of State for the Colonies, Lord Bathurst, for the Approval of the King's Government, and it was returned with the Sanction of Government and an Order to Sir John Sherbrooke to cause Letters Patent of Incorporation to be issued in the Terms of the Draught. A similar Instrument at the Instance of the Bishop was recommended by the Executive Council of this Province on the 20th October 1818, and was made Patent under the Great Seal of Upper Canada on the 30th of April 1819. Since that Period greater Facilities have been afforded to the Issue of Leases, and their Number has in consequence rapidly increased.

(48.)

About

No. 8.
Lieut. Governor
Sir F. B. Head
to
Lord Glenelg,
18th Oct. 1837.

Enclosure.

No. 1.
Attorney General
of Lower Canada's
Report.
No. 2.
Constituting the
Parish of Montreal.

No. 3.
Copy of the Re-
port.

No. 4.
Lord Bathurst's
Answer.

No. 8.
Lieut. Governor
Sir F. B. Head
to
Lord Glenelg,
18th Oct. 1837.

Enclosure.

No. 5.
Royal Instruction
to Mr. President
Smith.

About the same Time the Lord Bishop of Quebec had earnestly pressed upon the Consideration of His Majesty's Government the Expediency of dividing the Provinces into Parishes; and it appears, in consequence of his Lordship's Application, an Instruction from the Secretary of State was transmitted to Mr. President Smith, then administering the Government, dated the 2d Day of April 1818, conveying the Authority of His Royal Highness the Prince Regent for erecting Parishes and Rectories in conformity to the Statute 31st Geo. 3. Chap. 31. Sect. 33.

The Principle already adopted in this Province for building Parsonage Houses appeared so much in accordance with the Spirit of this Instruction that the Colonial Government was encouraged to proceed as fast as the small Means at their Disposal allowed, in the Hope of at least furnishing at no distant Period comfortable Places of Residence for the Missionaries then in the Province. As small Parcels of Land were attached to each Parsonage on its Erection, it was believed that it would be easy to complete the Endowment with due Portions of the Glebes and Clergy Reserves when the Bishop should think proper to proceed to Institution. This gradual Mode of establishing the Church, though necessarily slow from the Smallness of the Funds, was nevertheless following by Degrees the increasing Settlement and Cultivation of the Province, and meeting, in as far as the Government was able, its growing Wants for Religious Instruction. Upper Canada even in 1818 was still in comparison a Wilderness; and therefore no Measure of a general Character, constituting and erecting Townships (many without any Inhabitants) into Parishes and Rectories, would have been found beneficial. Moreover it could not be foreseen where the Population would most rapidly congregate; it was therefore thought most useful and advisable to husband the scanty Funds, and reserve them for Applications from populous Townships and Places as they offered, and decide upon the Amount of Assistance to be given according to their particular Merits. In this Way Parsonage Houses were built, or partly so, at Cornwall, Brockville, Bath, Cobourg, and Ancaster, and Promises made to many other Places so soon as the growing Funds arising from Leases would permit.

Had not their limited Means prevented the Provincial Government from proceeding to any great Extent with the Commands of His Royal Highness the Prince Regent, communicated in this Instruction, the Question of Tithes at this Time raised till finally set at rest would have dictated the same Course of Proceeding. It was considered by the Government of this Province, that under the comprehensive Words of the 39th Section of the Statute the regularly inducted Rector of any Parish or Rectory created in pursuance of His Royal Highness's Instructions might claim to be entitled to Tithes, notwithstanding the evident Intention of the Statute that the Clergy of the Established Church should receive their Support from the Produce of the Clergy Reserves.

It was not apprehended that a Claim to Tithes would in fact be preferred by any Rector so inducted; but it was possible, and to prevent Embarrassment and Alarm it was thought prudent not to proceed to the full Extent of the Royal Instructions which had been transmitted until an Act should be passed by the Colonial Legislature, declaring that no Right of Tithes should ensue upon the Induction into any Benefice in this Province.

A short Act was passed by both Houses of the Legislature of the Colony, declaring "that no Tithes should be claimed, demanded, or received by any Ecclesiastical Parson, Rector, or Vicar of the Protestant Church within the Province, "any Law, Custom, or Usage to the contrary notwithstanding." In this Enactment, which the Writer of this Letter had the Pleasure of bringing forward, the Friends of the Church of England fully concurred, for they never desired to retain any thing more than they were entitled to by the most obvious Construction of a solemn Act of the British Parliament. This Act, being necessarily reserved for the Assent of His Majesty, failed, even though noticed in the Royal Instruction, to receive the requisite Attention in England until the limited Period of Two Years had elapsed, and it could not therefore become a Law.

In the Year 1821 a similar Bill was passed, of which a Copy accompanies this Letter, and which, in conformity with the Provisions of the Forty-second Section of 31st Geo. 3. Chap. 31., received the Sanction of His Majesty and the Imperial Parliament, and was proclaimed on the 20th February 1823.

It

No. 6.
Copy of the Act.

It was this Effort to renounce, on the Part of the National Church, any thing which could reasonably seem invidious in the Provision made by Law for her Support that gave Occasion to the Discussion of a Question of which I may truly say that it was started with no Hope of the Results to which it has been unexpectedly suffered to lead.

Before it can be ultimately disposed of it will be necessary that the Sense of Parliament should be pronounced upon the Arguments to be deduced from History, from the Principles of the Constitution, from the plain Words of the Statute, from numerous other Acts of the British Parliament, and from a Series of Public Acts in England and the Colony in which the Impressions of the Government can be very easily and satisfactorily traced. I shall say no more now on this Subject than that if the Church of Scotland had a Right to be regarded under the Act of Union as established anywhere out of Scotland, it was a Right of which the People of Scotland, of England, and of the Colonies were all equally ignorant until it was discovered in Upper Canada, One hundred and ten Years after the Act of Union; and that if it was really intended by the British Parliament when the 31st Geo. 3. Chap. 31. was passed to comprehend the Clergy of the Church of Scotland within the Provisions of that Statute it was an Intention of which the British Government, the Church of Scotland, and her Clergy and Adherents in and out of this Province were evidently unconscious for Thirty Years after the Statute passed. Of this there is in my Opinion satisfactory Proof, both negative and positive.

In 1824 and 1825 His Majesty's Government had entered into a Contract with a Joint Stock Company for selling to them a large Portion of the Waste Lands of the Crown at a cheap Rate and upon Terms of Payment very advantageous to the Company. About 2,000,000 of Acres of the Clergy Reserves were to be included in this Contract. But the Clergy of the Church of England in this Province very earnestly appealed to His Majesty's Government against this improvident Alienation, and happily their Appeal was not made in vain.

The Reserves were excluded from the Sale, and by Agreement with the Canada Company a Block of the other Waste Lands of the Crown was transferred in their Stead.

And further His Majesty was graciously pleased to manifest His Desire to place the Established Church in this Province upon a Footing which could alone secure it against the Recurrence of similar Danger, by transmitting through His Secretary of State for the Colonies, the late Earl Bathurst, a formal Instrument, plain and unequivocal in its Terms, and which expressly conveys in the Words of the Statute the requisite Authority for establishing Rectories and Parsonages in Upper Canada, and endowing them with Lands, in the Discretion of the Governor and Council.

This Instruction had no Limitations like the one transmitted to President Smith, but was in every respect full and complete. It was officially laid before the Executive Council of the Time, soon after its Receipt in November 1825, and the Council prepared and submitted a Proposition for erecting and endowing Rectories and Parsonages. This Plan was for some Time under Consideration, because a Difference of Opinion was entertained on its Details; there was a Doubt as to the proper Extent of the Parishes, and the Portion of Lands which it would be expedient to annex to each. It was found that the Funds, though increasing, were still inadequate to build any Number of Parsonage Houses at the same Time, and there was some Reluctance to constitute and erect a great Number of Parishes, and annex Portions of wild Lands yielding no Profit, without at the same Time bringing them partly into Cultivation and building Residences for the Clergy. There was also a Reluctance to adopt any temporary or partial Arrangement, while Hesitation was felt to act decisively and make a general Appropriation of the Clergy Reserves by dividing the whole Province into Parishes and endowing each with a sufficient Portion of Land, while the Question had been brought under the Consideration of Parliament and the Government in England. These various Points were made still more perplexing by the passing of 7 & 8 Geo. 4. Chap. 62., authorizing the Sale of Part of the Clergy Reserves, as it directed the Monies arising from the Sales to be placed in the British Funds, and so removed them from the more immediate Control of the Colonial Government. Moreover these Sales frequently included Reserves under Lease, by which Means the Proceeds arising from Rents were in some Degree diminished.

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Sir F. B. Head
to
Lord Glenelg,
18th Oct. 1837.

Enclosure.

No. 7.
Copy of the Royal
Instruction.

No. 8.
Report of Execu-
tive Council.

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diminished. These Difficulties may well account for the Delay during the short Remainder of Sir Peregrine Maitland's Administration; they likewise furnished sufficient Motives for inducing Sir John Colborne to take Time for Consideration. In the meanwhile Aid continued to be given as before towards the Erection of Parsonage Houses at Toronto, Port Hope, Woodstock, London, Long Point, &c. as the Funds allowed. The Clergy were not urgent, and did not press any general Plan, reposing in the Faith of Government, which they saw was doing all in its Power; they waited in Tranquillity, fully assured that the Interests of the Church would not be lost sight of, and that when the proper Time arrived a general Measure for constituting and erecting Parsonages and Rectories would be adopted, or as soon as Means were at the Disposal of the proper Authorities to make it efficient.

Thus Matters continued for some Length of Time; but during the latter Part of Sir John Colborne's Administration the Propriety of turning the Lands to some Account for the Support of the Clergy engaged the Consideration of the Secretary of State, as appears from the Copies of Despatches which accompany my Lord Glenelg's Correspondence with His Excellency the Lieutenant Governor. Indeed some such Course now became absolutely necessary, for His Majesty's Government had by its late Arrangements in some Degree withdrawn from a most meritorious Class of the Ministers of the Church that scanty Support which they had enjoyed, and which they had little Reason to expect would ever have been denied them. It was therefore but a natural Sentiment of Justice which impelled Lord Goderich to enjoin upon Sir John Colborne the Reparation of this Loss, by securing in a permanent Manner a small Fraction of that Provision which an Act of the British Parliament had assured to them for their Support. Moreover the Result of the Negotiations since entered into by the Secretary of State for the Colonies with the Society for the Propagation of the Gospel in Foreign Parts being only of a temporary Nature, and implying the Discontinuance of any Salaries to the Successors of the present Incumbents, the Colonial Government was obliged without Delay to take such Measures as might enable it in some Degree to meet this alarming Contingency. They were also pressed to take active Steps in this Behalf by the Clergy Corporation, as appears from the Minutes of its Proceedings on the 9th of February 1835, on which Occasion the late Lord Bishop presided.

No. 9.

There was no Necessity for considering Lord Goderich's Letter an Authority or Instruction, in accordance with the Requirement of the 38th Section of 51 George 3. Chap. 31.; it is rather to be deemed an Injunction or friendly Admonition no longer to postpone under any Circumstances doing something towards the permanent Establishment of the Church. To have sent additional Authority would have been superfluous, as the Royal Instructions already mentioned were and still are more than sufficient to enable His Excellency the Lieutenant Governor in Council to constitute and erect Parsonages and Rectories with competent Endowments throughout the Province, instead of the very small Number to which they have been unfortunately limited.

I would not presume to offer any further Explanation of the Delay which occurred in carrying the Injunction into effect, because Sir John Colborne is in the Country and may be easily referred to.

No. 10.
Consisting of Six
Documents:—
1. Reference to
Council of 29th
June 1835, en-
closing
2. Instructions to
the Law Officers
of the Crown,
8th May 1835.
3. Other Instruc-
tions, 26th May
1835.
4. Report of
Solicitor General,
4th June 1835.

I know, however, that the Measure of constituting these Rectories was no sudden Resolution, but on the contrary it was a long Time in Progress; that it was retarded by varying Opinions upon some Points of Detail, as well as by the Difficulties already noticed; but that nevertheless much Progress was made in it, and it was in fact substantially executed before Sir John Colborne had the slightest Intimation of an Intention to supersede him in his Government.

When this Intimation did arrive His Excellency certainly manifested an unequivocal Anxiety to lose no Time in completing what had been much more than begun, and did hasten it as much as was in his Power.

His Motives for this were probably, in the first place, not to leave to the Power of Chance what he felt it to be his Duty to secure, and in the next place to avoid the Appearance of leaving to his Successor the Performance of an Act which he might imagine would with some injure his Popularity.

However this may be, I have no Doubt that the Measure in question is precisely that Act of Lieutenant General Colborne's Administration of which
the

the Remembrance will ever be the most satisfactory to him as a Man and as a Christian.

With respect to what I find has been said by the Friends of the Church of Scotland in regard to the Ecclesiastical Jurisdiction over other Sects which the Endowment of these Rectories has conferred upon the Church of England, it is not easy to understand how any Number of Persons residing in the Country could prevail upon themselves to express any serious Apprehensions on that Score.

Parishes have been for many Years erected within the Province of Lower Canada under the same Act of Parliament, and in the other Colonies of British North America, in the West India Islands, and in New South Wales. These Rectories which are now complained of have been established nearly Two Years, and the Experience of the past and the Observation of the present must have equally shown that no Person of any other Religious Community has the slightest Reason to suppose that his Civil or Religious Liberty, his Person, or his Property will be in any Manner interfered with in consequence of these Rectories or Endowments. It is in fine notorious that the Rights of Marriage, Baptism, and Sepulture are by the Laws of the Province common to the Teachers of all other Christian Denominations with the Clergy of the Church of England.

Whatever, therefore, may have been stated, it is very certain that no such Apprehension is or can have been felt.

With respect to the Land annexed as an Endowment, it is in almost every Instance an insignificant Fraction of those Reserves to which the Church of England in this Province has a Claim, which ought to be regarded as sacred.

In Value it is so small as to be chiefly acceptable to supply Fire Wood, and in most Cases being wild and totally uncultivated it will yield nothing without incurring a considerable Expense; even the very best of the Endowments yield a very trifling Emolument, and will not for a long Time make up for the Fifteen per Cent. recently deducted from the narrow Salary of the Incumbents. Indeed those Endowments, looking to Futurity, when the Country is populous and well cultivated, can scarcely be anticipated in any Instance to supply an adequate Provision for the Sustenance of an educated Minister of the Gospel, and ought not therefore to have roused the Jealousy of any Body of Christians. It must be further borne in Mind that the greater Number of these Endowments consist of Lands which have been in the Possession of the several Incumbents by Licence of Occupation from their first Settlement in the Mission without Notice or Complaint, and that the only Difference now is a greater Security of Title.

I do not know that the Establishment of the Rectories has called forth the Language of Complaint from any Religious Community except from the Church of Scotland, of whose Members it is remarkable that their illiberal and intemperate Hostility to the Church of England in this Province appears to have constantly increased in proportion to the unjust Aggressions which they have made upon her Rights, and the Countenance which these Aggressions have unexpectedly received.

Even the House of Assembly, after much Discussion, occasioned chiefly by the Five or Six Members belonging to the Church of Scotland who have Seats, passed the following Resolution, by a Majority of Thirteen: "That this House regards as inviolable the Rights acquired under the Patents by which Rectories have been endowed, and cannot therefore either invite or sanction any Interference with the Rights thus established." It is true other Resolutions were passed disapproving of their Establishment; but to call in question the Patents by which they were constituted and erected would have been, as many of the Speakers wisely averred, to disturb and unsettle the Titles to Property throughout the whole Province.

In recapitulation I beg to state, 1st. That however sensible I am of the Consideration of His Majesty's Government in making the Reference which occasions this Letter, I cannot but regret that before submitting to the Crown Officers of England a Statement of a Case which has led to their expressing an Opinion against the legal Validity of the Act which has been called in question, the same Inquiry was not made which it has been thought just and prudent to institute before their Opinion should be acted upon.

(48.)

2d. That

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5. Report of Attorney General, 13th June 1835.
6. Report in Council, 5th Nov. 1835, recommending that no Time should be lost in erecting and constituting Parsonages, &c.

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2d. That the Case stated for the Opinion of the Crown Officers must have conveyed to them clearly the Impression, that from the Year 1791 to the Time of creating these Rectories no Authority had been conveyed from His Majesty through his Secretary of State such as the 38th Clause of the Statute 31st Geo. 3. Chap. 33. requires; that their Opinion is founded upon this Impression, and rests therefore upon the supposed Non-existence of an Instrument, Two of which of different Dates are now before me, and are recorded in the Proceedings of the Executive Council of this Province.

3d. That this Provision made for the residing Clergy of the Established Church, partial and insufficient as it unfortunately is, stands upon the express Provisions of an Act of Parliament and the Execution of a Power given by the King in exact conformity to its Enactments; it cannot therefore be destroyed to gratify the uncharitable Feeling of any Person or Party, and nothing can deprive the Clergy of the Church of England in this Province of the Rights thus secured to them but the over-ruling Power of the same Legislature which conferred them. I need not say that an Act of Parliament which should have that for its Object would be such an Act as never yet has dishonoured the supreme Council of the Empire.

I observe that the Letter of my Lord Glenelg suggests the Possibility, though it by no means expresses an Expectation or Desire, that I may be found willing to surrender or to concur in surrendering voluntarily the Endowments which the King has annexed to the several Rectories. Happily the provident Caution of Parliament has not placed it in the Power of any Individual to be the Instrument of so much Injustice; it is not in my Discretion to make any Surrender of the Kind; if it were, I believe it would not be necessary to assure any one who is personally acquainted with me that I would as readily surrender my Life.

I have laboured earnestly for nearly Forty Years, through good Report and bad Report, in promoting the Peace and Happiness of this Province and its Attachment to the Parent State; during more than Thirty-four Years of that Period I have been zealously, and I trust successfully, employed in promoting the Cause of true Religion and in the Discharge of the sacred Duties of a Clergyman, and have uniformly acted towards all other Christian Denominations with a Christian Spirit, which the respectable Portion of them will readily acknowledge. I am now approaching the Evening of my Life, and assuredly I shall never incur the Reproach of having sacrificed any Portion of the Interests of the Church to which I have the Happiness to belong, in the wild Hope of conciliating her Enemies, or from the culpable Desire of avoiding the Unpopularity which it seems to be feared must attach to those who fairly maintain the Religion of our Sovereign and of the British Empire.

I have not failed to notice that from the Tenor of my Lord Glenelg's Despatch it is to be inferred that the Petitioners in the Name of the Church of Scotland have claimed for their Church the Right to be treated in this Part of the Queen's Dominions upon a Footing of perfect Equality with the United Church of England and Ireland.

It is not credible that any Number of enlightened Members of the Church of Scotland can have imposed so far on their own Judgment as to believe that it was reserved for Two or Three Laymen in the Legislature of a remote Colony to discover Rights and Relations resulting from the Act of Union which had escaped Consideration and Notice in all Parts of the British Dominions during more than a Century. They cannot but be aware that the Act of Union did but protect the Rights and Privileges of the Church of Scotland within the Kingdom of Scotland in express Words, while, in Language as express, it guarded all the Rights and Privileges of the National Church of the Empire in every other Part of the British Dominions.

They must, beyond all Question, know and feel that the Claim which they have originated in Upper Canada, to constitute of right a Second Church Establishment in a British Colony, is a novel Pretension, at variance with the Principles of the Constitution, and not to be reconciled to the frequently declared Sense of Parliament from the Time of the Union to the present Moment, to the Acts of the Government both in the Mother Country and in the Colonies, or to the Understanding which has universally prevailed on this Point in all Parts of the Empire; and there can be as little Question that they must have been exceedingly surprised at the Facility with which they have been allowed

to

to advance Step by Step in Pretensions, unsupported by the Constitution, by History, by Law, or by Reason, but which, when they are carried to their full Extent, must tend to produce Confusion and to unsettle the Ecclesiastical Condition of the Empire.

The Error will be perceived when it is too late to remedy it; and it will be found that the well-established Principles of the Constitution have been deserted for the Purpose of pursuing what will turn out to be any thing but a wise or popular Cause.

I have, &c.

(Signed) JOHN STRACHAN, D.D., LL.D.

Archdeacon of York,
Upper Canada.

John Joseph, Esq.

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to
Lord Glenelg,
18th Oct. 1837.

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(No. 1.)

Attorney General's Report respecting the erecting of Protestant Parishes.

To His Excellency Sir Robert Shore Milnes, Bart., Lieutenant Governor of the Province of Lower Canada.

I have been honoured with your Excellency's Commands, requiring my Opinion "on the legal Course to be taken for erecting such Protestant Parishes as are mentioned in a Report of a Committee of the whole Council upon Ecclesiastical Affairs, dated the 7th June last, as well as for establishing a Parsonage or Ecclesiastical Benefice in each Parish respectively."

The Committee in their Report have stated to your Excellency, "That from the Papers accompanying the Order of Reference they conceive that your Excellency does not expect them to enter into the Detail of a general System, but to suggest the most advisable Means of forming such Establishment as from the Aggregate of the Protestant Population in different Parts of the Province and the present Supply of Ministers of the Church to superintend them may be found practicable."

And to attain this desirable Object, they humbly apprehend that the Two preliminary Requisites are, first, "the forming of such a Number of Protestant Parishes as, from the Number of Protestant Inhabitants dwelling in the Vicinity, shall be thought expedient; and, secondly, of a Parsonage or Ecclesiastical Benefice in each of such Parishes."

The general Question, therefore, which arises out of the Report is this; what is the legal Course to be taken for the Ecclesiastical Division of the Protestant See of Quebec into Parishes, and for the Erection of Rectories therein according to the Establishment of the Church of England?

The Points which the Question involves are important, and although I have ultimately satisfied my own Mind upon them, yet I submit my Opinion to your Excellency's Consideration with great Diffidence.

By the Statute 31st Geo. III. Chap. 31. it is enacted, "That it shall and may be lawful for His Majesty, His Heirs and Successors, to authorize the Governor or Person administering the Government, with the Advice of the Executive Council, to constitute and erect within every Township or Parish which now is or may be hereafter formed, constituted, or erected, one or more Parsonage or Rectory or Parsonages or Rectories, according to the Establishment of the Church of England."

The Statute and Governor's Commission have obviated every Difficulty with respect to the Establishment of Rectories, but the legal Course to be taken for the previous Erection of Parishes admits of more Discussion.

On the Threshold of this Inquiry we meet with what, I believe, may be termed a Novelty in Jurisprudence, for we are under the Necessity of admitting that there are by Law Two Descriptions of Parishes in Canada, to wit, Parishes with respect to the Church of England, and Parishes with respect to the Church of Rome; for if we have recourse to the Law of England as it regards the Church of England (which is the Established Church of Canada), we find that Parishes are ecclesiastical and necessary Divisions of every Bishoprick, and therefore the Report has stated "the Formation of Protestant Parishes" to be a Preliminary requisite to the Erection of Rectories. On the other hand, although the Church of England be the Established Church of Canada, yet by the Fifth Section of the Act 14th Geo. III. Chap. 83. it is declared, "That His Majesty's Roman Catholic Subjects may hold and enjoy the free Exercise of the Religion of the Church of Rome, and that the Clergy of the Church of Rome may hold, receive, and enjoy their accustomed Dues and Rights," by which Means the Division of the Province into Parishes with respect to the Church of Rome has become equally necessary, for without this Division "the Dues and Rights of the Clergy" can never be legally ascertained, either with respect to the Persons from whom, or the Priests by whom, they are claimed.

The Report (admitting Two Descriptions of Parishes) has stated the Necessity of "co-extensive and identical Boundaries;" and as much Civil Matter may be hereafter engrafted

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engrafted upon Parishes, although Ecclesiastical Divisions of the Province, this Necessity is very apparent; but to ensure identical Boundaries it is equally necessary that Parishes relative to both Churches should be erected by Authority common to both.

Your Excellency's Reference has required my Opinion upon the legal Course to be taken for the Erection of Protestant Parishes only, and to these therefore I confine myself; and, in my Apprehension, these may be in Canada legally erected by the sole Authority of His Majesty.

According to the Law of England, which is the Law of the Established Church of England, a Parish is defined to be "that Circuit of Ground which is committed to the Charge of One Parson or Vicar or other Minister having Cure of Souls therein," and is declared to be not a Civil but an Ecclesiastical Division.

By Letters Patent (under the Great Seal of Great Britain, dated the 13th Day of August in the Year 1787,) His Majesty was pleased to erect the Province of Nova Scotia into a Bishop's See, and to grant unto the Bishop of Nova Scotia full Power to exercise Jurisdiction, Spiritual and Ecclesiastical, in the then Province of Quebec, since divided into the Provinces of Upper and Lower Canada; and afterwards, by other Letters Patent under the Great Seal of Great Britain, dated the 28th Day of June 1793, His Majesty was further pleased to revoke so much of the Letters Patent by which the Bishoprick of Nova Scotia was erected as related to the Province of Quebec; and in like Manner to erect the Provinces of Upper and Lower Canada and their Dependencies into a Bishop's See, to be called from thenceforth the Bishoprick of Quebec. Thus His Majesty, by his sole Authority, has made an Ecclesiastical Division of His North American Dominions into Two Dioceses; and that he had a Right so to do has been declared by the Parliament of Great Britain in the Fortieth Section of the Statute 31st Geo. III. Chap. 31., which subjects the Incumbents of Rectories in Upper and Lower Canada "to the Jurisdiction and Authority lawfully granted to the Bishop of Nova Scotia by His Majesty's Royal Letters Patent, or which might thereafter by His Majesty's Royal Authority be lawfully granted or appointed to be administered within the said Provinces or either of them respectively by the same Bishop of Nova Scotia, or by any other Person or Persons."

Upon general Principles, and according to the Law Maxim "non debet cui plus licet quod minus est non licere," that Power which was sufficient for the greater Ecclesiastical Division of a Country into Two Dioceses by the Erection of Two Bishopricks must also be sufficient for the lesser Ecclesiastical Division of the same Dioceses by the Erection of Parishes, for Bishopricks and Parishes were equally Ecclesiastical Divisions, and the latter of far inferior Consequence.

The Kingdom of England, in reference to Civil Matters, was originally divided into Vills and Parishes, which were, as above stated, Divisions only in reference to Ecclesiastical Affairs. The Common Law even took no Notice of them, insomuch that a Fine was not admitted of Lands in a Parish. But in Process of Time Parishes were noticed by several Acts of Parliament in reference to Civil Matters, particularly the Maintenance and Settlement of the Poor.

The Division of the Dioceses of England into Parishes cannot be ascribed to any one Act, nor indeed to any one single Age. The most ordinary Method, however, of augmenting the Number of Parish Churches depended on the Piety of the Thaners or Great Lords, who, having large Fees and Territories in the Country, founded Churches for the Service of their Families and Tenants within their Dominions. It was this gave a primary Title to the Patronage of Laymen, and made the Bounds of a Parish commensurate with the Extent of a Manor.

It may be doubted whether in England His Majesty possessed the Right of erecting Parishes when they were noticed by Acts of Parliament in reference to Civil Matters, and when the Creation of a Parish subjected the Inhabitants to Assessment and other Impositions for various Civil Purposes, but before this was the Case it appears certain that His Majesty, as supreme Lord, had the Right of founding a Church in any extra-parochial Place, and of erecting it, or any Part of it, into a Parish.

I infer this from an ancient Record of the Case of the Prior of Carlisle and Bishop of Carlisle, decided in the Eighteenth Year of the Reign of Edward the First, in which it was determined that the Tithes of Lands within a Forest which is out of any Parish belong to the King, for the following Reason assigned, which has reference to His Majesty:—"Quia in foresta prædicta villas edificare ecclesias construere terras assartare et ecclesias illas cum decimis terrarum illarum pro voluntate sua cuicumque voluerit conferre potest eo quod foresta illa non est infra limites alicujus parochiæ."

To found a Church (which of itself implies the Rights of Tithes, Marriage, Baptism, and Sepulture within certain fixed Limits), and to assign to that Church a certain Territory charged with the Payment of Tithes for its Support, was the effectual Erection of a Parish; and if His Majesty at any Time previous to the Conquest possessed the Right of erecting a Parish in an extra-parochial Place, I humbly conceive he must yet possess it with respect to this Province (whatever the Law of England may be), for I know of no Law extended to Canada by which the Exercise of this Prerogative has been limited.

It may, however, be supposed, since all Forests were Parts of the King's Domain, that the King had the Right of erecting a Forest or Part of a Forest into a Parish, because he there possessed the Right of founding a Parish in common with the Thaners, each of whom held the same Power in his own Manor. But even in this View of the Decision, and

and rejecting the only Reason assigned for it in the Record, viz., "*quod foresta illa non est infra limites alicujus parochiae*," the Case yet clearly warrants this Construction, "that His Majesty held in common with his superior Vassals the Right of founding Churches on his own Domain, and that whereon he possessed the Right of founding a Church *there he might lawfully create a Parish*." And since by the Thirty-eighth Section of the Act 31st Geo. 3. Chap. 31. His Majesty, with the Advice of his Executive Council, may found a Church according to the Establishment of the Church of England in any Part of Canada, it follows, even upon this Principle, that in any Part of Canada with the same Advice he may create a Protestant Parish. A Parson or Rector, according to the Establishment of the Church of England, is "one that hath full Possession of all the Rights of a Parish Church;" and a Parsonage or Rectory "consists of the Glebe, Tithes, and Oblations which are established for the Support of a Parson or Rector," or, in other Words, for the Support of an Incumbent of a Parochial Church. There cannot therefore be a Rectory or Parsonage, nor a Parson or Rector of a Church, that is not "parochial," and there cannot be a Parochial Church without a Parish; and, consequently, whoever possesses the Power of converting an extra-parochial Place into a Parsonage or Rectory, and of creating a Parson or Rector to enjoy it, must also necessarily possess the incidental Right of erecting that extra-parochial Place into a Parish; for without that there can be no such Power, the previous Erection of such extra-parochial Place into a Parish being indispensably necessary for the Establishment of the Rectory,—the very Means by which it must be created.

By the Thirty-eighth Section of the Act 31st Geo. 3. Chap. 31. His Majesty is empowered "to constitute and erect within every Township or Parish which then existed or which thereafter might be formed, constituted, or erected within the Province, One or more Parsonage or Rectory, or Parsonages or Rectories, according to the Establishment of the Church of England."

His Majesty, therefore, by this Section is possessed of the Power of converting any Township in Canada into a Parsonage or Rectory, and by the Thirty-ninth Section of the same Act of creating a Parson or Rector to hold it, and since every Township is extra-parochial he must necessarily also for the Reasons above assigned possess the identical Right of erecting any Township in Canada into a Protestant Parish.

With respect also to the Roman Catholic Parishes which existed at the Time of passing the above Act of 31 Geo. 3., which indeed were the only Parishes then in existence, the Reasoning applies, all of them, in reference to the Church of England and to the Protestant See of Quebec, being equally extra-parochial. For as Parishes in England are Ecclesiastical Divisions of Dioceses according to the Establishment of the Church of England, so Protestant Parishes in Canada must be the Ecclesiastical Divisions of the Protestant See of Quebec according to the same Establishment; and this the Roman Catholic Parishes which existed at the Time of passing the above Act of 31 Geo. 3. cannot be, because they were created and existed long before the Erection of the Protestant See of Quebec, and consequently without any Reference to it, and because they were erected by the ** Authority of the Pope*, whose Power the Church of England can in no way recognize. And such being the Case the Report of the Council has stated to your Excellency that in all Instances wherever a Protestant Rectory is to be established it will be necessary previously to create a Protestant Parish, even in the Roman Catholic Parishes of Quebec, Montreal, Three Rivers, and William Henry, with co-extensive or rather identical Boundaries, although those Parishes have existed as such since the Year 1722.

Since, therefore, His Majesty by the above-cited Sections of the Act of the 31st Geo. 3. Chap. 31. is possessed also of the Power of converting any Roman Catholic Parish which existed at the Time of passing that Act (and now have been since erected) into a Protestant Rectory, and to create a Rector to hold it, and since every such Parish, with respect to the Church of England and the Protestant See of Quebec, is extra-parochial, he must also, for the Reasons above assigned, necessarily possess the identical Right of erecting any Roman Catholic Parish now existing in Canada into a Protestant Parish and Ecclesiastical Division of the Protestant See of Quebec, according to the Establishment of the Church of England.

I shall add, that in strict Conformity to the Principles which I have had the Honour of submitting to your Excellency's Consideration, His Majesty, by His Royal Commission, has been pleased of his sole Authority to authorize and empower the Governor, Lieutenant Governor, or Person administering the Government of this Province, with the Advice of the Executive Council, to form, constitute, and erect either Townships or Parishes within the Province, and within every Township or Parish to constitute and erect one or more Parsonage or Rectory, or Parsonages or Rectories, according to the Establishment of the Church of England.

For the Reasons I have detailed, I am of opinion that in your Excellency is vested the Power of erecting, with the Advice of His Majesty's Executive Council, such Protestant Parishes as are mentioned in the Report referred, and that the legal Course to be taken for

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Lord Glenelg,
18th Oct. 1837.

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* The Division was in the first Instance made by Ecclesiastical Authority, the Bishop acting concurrently with the civil Government of the Province, and their Proceedings were confirmed by an Arrêt or Decree of the King of France in 1722.

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the Ecclesiastical Division of the See of Quebec into Parishes, and for the Erection of Parsonages or Rectories therein, according to the Establishment of the Church of England, is by Letters Patent under the Great Seal of this Province.

Quebec, 6th June 1801.

(Signed) J. SEWELL,
Attorney General.

(No. 2.)

Province of Lower Canada.

RICHMOND, LENOX, AND AUBIGNY. (L.S.)

George the Third, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith; to all whom these present Letters shall concern, greeting:

Whereas by Letters Patent under Our Great Seal of Great Britain, bearing Date the Twenty-eighth Day of June in the Thirty-first Year of Our Reign, we did erect, found, ordain, make, and constitute Our Provinces of Lower Canada and Upper Canada, and their Dependencies, to be a Bishop's See, to be called from thenceforth the Bishoprick of Quebec: And whereas by a certain Statute or Act of the Parliament of Great Britain passed in the Thirty-first Year of Our Reign, intituled "An Act to repeal certain Parts of an Act passed in the Fourteenth Year of Our Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province,'" sundry Provisions were made respecting the Allotment and Appropriation of Land for the Maintenance and Support of a Protestant Clergy within Our said Provinces; and it was among other Things more especially enacted, that it should and might be lawful for Us, Our Heirs or Successors, to authorize the Governor or Lieutenant Governor of each of Our said Provinces respectively, or the Person administering the Government therein for the Time being, from Time to Time, with the Advice of Our Executive Council of Our said Provinces respectively, to constitute and erect within every Township or Parish which then was or thereafter might be formed, constituted, or erected within such Province, One or more Parsonage or Rectory, or Parsonages or Rectories, according to the Establishment of the Church of England; and from Time to Time, by an Instrument under the Great Seal of such Province, to endow every such Parsonage or Rectory with so much or such Part of the Lands so allotted and appropriated as aforesaid, in respect of any Lands within such Township or Parish, which should have been granted subsequent to the Commencement of the said Act, or of such Lands as might have been allotted and appropriated for the same Purpose by or in virtue of any Instruction which might be given by Us in respect of any Lands granted by Us before the Commencement of the said Act, as such Governor or Lieutenant Governor, or Person administering the Government, should, with the Advice of the said Executive Council, judge to be expedient under the then existing Circumstances of such Township or Parish.

And whereas the Doctrine and Discipline of the Church of England, being professed and observed by a very considerable Part of Our loving Subjects resident in the Parish of Montreal in the District of Montreal, in Our said Province of Lower Canada, Our trusty and well-beloved Sir John Coape Sherbrooke, Knight Grand Cross of the Most Honourable Military Order of the Bath, Our Governor General of and for Our said Province of Lower Canada, hath, with the Advice of Our Executive Council of Our said Province, judged it to be expedient to constitute and erect a Parsonage or Rectory within the said Parish of Montreal, according to the Establishment of the Church of England; and, with the Advice of the said Executive Council, hath also judged it to be expedient, under the now existing Circumstances of the said Parish of Montreal, to endow the said Parsonage or Rectory with the Church Lands and immoveable Estate herein-after particularly set forth and described.

Now therefore know ye, that Our said trusty and well-beloved Sir John Coape Sherbrooke, Knight, Our said Governor, being thereunto by Us duly authorized, pursuant to the aforesaid Statute, hath, and by these Our Letters Patent, with the Advice of Our Executive Council of Our said Province, doth ordain, make, constitute, and declare all that Precinct included within the Bounds and Limits of the aforesaid Parish of Montreal, as described in a certain Reglement of the Sieur Vaudreuil, Governor and Lieutenant Governor of New France, the Sieur Eveque de Quebec, and the Sieur Begou, Intendant, bearing Date the Twentieth Day of September in the Year of our Lord Christ One thousand seven hundred and twenty-one, confirmed and homologated by an Arrêt of His most Christian Majesty in His Council d'Etat, bearing Date the Third Day of March in the Year of our Lord Christ One thousand seven hundred and twenty-two, is and shall be henceforth for ever an Ecclesiastical Division and Parish of the aforesaid Bishoprick of Quebec, and be called by the Name of "The Parish of Montreal." And within the said Parish Our said Governor, being also thefeunto by Us duly authorized pursuant to the aforesaid Statute, hath constituted and erected, and by these Our Letters Patent, with the Advice of Our said Executive Council, doth constitute and erect One Parsonage or Rectory, according to the Establishment of the Church of England, to be called from henceforth the

Parsonage

Parsonage or Rectory of the Parish Church of Montreal; and hath and doth ordain, make, constitute, and declare the Precinct contained within the Limits and Bounds of the said Parish of Montreal to be the Precinct of the said Parsonage or Rectory of the Parish Church of Montreal; and having great Confidence in the Learning, Piety, Morals, Probity, and Prudence of John Leeds, Clerk, a Minister of the Church of England, duly ordained according to the Rites of the said Church, Our trusty and well-beloved Sir John Coape Sherbrooke, Knight, Our said Governor, being also thereunto by Us duly authorized pursuant to the aforesaid Statute, hath nominated, presented, and collated and by these Our Letters Patent doth nominate, present, and collate, the said John Leeds to the said Parsonage or Rectory and Parish Church of Montreal, and to be the Incumbent thereof, and to have, hold, and enjoy the same, and all Rights, Profits, and Emoluments thereunto belonging or granted, as fully and amply, and in the same Manner and on the same Terms and Conditions, and liable to the Performance of the same Duties, as the Incumbent of a Parsonage or Rectory in that Part of Our Dominions called England, for and during Our Royal Pleasure and the actual Residence of the said John Leeds in the said Parish of Montreal. And, to the end that all Matters and Things aforesaid may have their due Effect, We, by these Our Letters Patent, do signify unto the Right Reverend Father in God, Jacob Lord Bishop of Quebec, that We, in manner aforesaid, have ordained, made, constituted, and declared the aforesaid Parish of Montreal to be an Ecclesiastical Division and Parish of the aforesaid Bishoprick of Quebec, and have erected and constituted within the said Parish the aforesaid Parsonage or Rectory, and do present unto him, the said Jacob Lord Bishop of Quebec, the said John Leeds, requiring, and by the Faith and Life by which he is bound to us commanding him, to admit the said John Leeds to the said Parsonage or Rectory and Parish Church of Montreal, and cause him to be instituted and inducted into the same, with all its Rights, Members, and Appurtenances, and to do and execute all other Things in this Behalf which shall belong to his episcopal Office.

And we do hereby will and grant, that the Rector of the said Parsonage or Rectory and Parish Church of Montreal, and his Successors Rectors of the said Parsonage or Rectory and Parish Church, be, and shall continue a Body Corporate, with perpetual Succession, by the Name of the Rector of the Parsonage or Rectory and Parish Church of Montreal.

And we do further will and grant, that he and his Successors, by the Name aforesaid, shall be able and capable in the Law and have full Power to purchase, have, take, hold, and enjoy such Messuages, Lands, Rents, Tenements, Annuities, Hereditaments, Heritages, and Real Estates, of what Nature and Kind soever, in Fee and in Perpetuity, or for Term of Life or Years, as by Grant or Licence under the Great Seal of our said Province he or they shall at any Time be authorized to take, hold, and enjoy; and also all Manner of Goods, Chattels, and Things Personal whatsoever, of what Nature or Value soever; and also to determine any of the said Messuages, Lands, Tenements, Hereditaments, Heritages, and Real Estates whereof or wherein he or they shall have any Estate or Interest as aforesaid, in such Manner as by Licence under the Great Seal of Our said Province he or they shall at any Time be authorized for that Purpose; and that he and his Successors, by and under the same Name, may prosecute, claim, plead and be impleaded, defend and be defended, answer and be answered, in all Manner of Courts, of Us, Our Heirs and Successors, and elsewhere, in and upon all and singular Causes, Suits, Writs, and Demands, Personal and mixed, and in all other Things, Causes, and Matters whatsoever.

And moreover, We will and ordain by these Presents, that the said John Leeds, Rector of the said Parsonage or Rectory and Parish Church, shall be subject to the Authority and Jurisdiction of the Right Reverend Father in God Jacob Lord Bishop of Quebec, and his Successors bishops of the Bishoprick of Quebec, in the same Manner as any Rector of any Parsonage or Rectory or Parish Church within that Part of Great Britain called England is under the Authority and Jurisdiction of the Bishop of the Diocese within which such Parsonage or Rectory or Parish Church is situated. And know ye further, that Our said trusty and well-beloved Sir John Coape Sherbrooke, Knight, Our Governor as aforesaid, being thereunto also by Us duly authorized pursuant to the aforesaid Statute, hath, with the Advice of Our said Executive Council, allotted and appropriated, ordained, made, constituted, appointed, and declared, and by these Our Letters Patent doth allot and appropriate, ordain, make, constitute, appoint, and declare, the Church erected in Notre Dame Street in Our said City of Montreal, in the said Parish of Montreal, to be the Parochial or Parish Church of the said Parish of Montreal; and the said Parsonage or Rectory of the said Parish Church of Montreal, with the said Church, hath, and by these Our Letters Patent doth endow, and the Freehold and Inheritance of the said Church and of all the Appurtenances thereunto belonging hath, and by these Our Letters Patent doth give, grant, and vest for ever in the said John Leeds, Rector of the said Parsonage or Rectory and Parish Church of Montreal, and his Successors Rectors of the said Parsonage or Rectory and Parish Church; and the same Church is hereby declared to be for ever dedicated to the Service of God, to be therein more especially applied to the Use and Behoof of Our loving Subjects professing the Doctrine and Discipline of the Church of England, now inhabiting, and from Time to Time hereafter to inhabit, the said Parish of Montreal.

And know ye, that Our said trusty and well-beloved Sir John Coape Sherbrooke, Our said Governor, being thereunto by Us duly authorized pursuant to the aforesaid Statute,

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to
Lord Glenelg,
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 to
 Lord Glenelg,
 18th Oct. 1837.
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hath, and by these Our Letters Patent doth, with the Advice of Our said Executive Council, endow the said Parsonage or Rectory of the Parish Church of Montreal with all, each, and every the Tracts, Lots, Pieces, and Parcels of Land herein-after described; that is to say, first, with all that Piece or Parcel of Land situate, lying, and being in Notre Dame Street in the City of Montreal, measuring upon the said Street One hundred and nine Feet Two Inches, and upon which said Parish Church is built; and the Freehold and Inheritance of the said Lot, Piece, and Parcel of Land, and all the Appurtenances thereunto belonging, hath, and by these Our Letters Patent do give, grant, and vest for ever in the said John Leeds, Rector of the said Parsonage or Rectory and Parish Church of Montreal, and his Successors Rectors of the said Parsonage or Rectory and Parish Church.

In testimony whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province to be hereunto affixed. Witness Our trusty and well-beloved his Grace Charles Duke of Richmond, Knight of the most Noble Order of the Garter, Captain General and Governor in Chief in and over Our Province of Lower Canada, Vice Admiral of the same, &c. &c. &c., at Our Castle of Saint Lewis in Our City of Quebec, in Our said Province of Lower Canada, the Twelfth Day of August in the Year of our Lord One thousand eight hundred and eighteen, and in the Fifty-eighth Year of Our Reign.

RICHMOND, LENOX, AND AUBIGNY.

John Taylor,
 Deputy Secretary.

(No. 3.)

At the Council Chamber at York, on Thursday the 9th Day of March 1815.

PRESENT:

The Honourable Thomas Scott, Chief Justice, Chairman.
 The Honourable James Baby.
 The Honourable John M'Gill.
 The Honourable Mr. Justice Powell.

To his Honour Gordon Drummond, Esquire, President administering the Government of the Province of Upper Canada, and Lieutenant General commanding His Majesty's Forces therein, &c. &c. &c.

May it please your Honour,

The Committee of the Executive Council to which was referred by your Honour the Petition of the Reverend Doctor Strachan for Remuneration for Monies expended on the Parsonage House at Cornwall for the Residence of the Minister of the Church of England has bestowed due Attention on the Subject, and considers the Prayer of the Petition reasonable and just.

The latter Part of the Reference, to advise from what Fund Compensation can be made, has also undergone the serious Consideration of the Committee. In its Deliberation on this Subject the Committee was naturally led to review the relative Situation of the Ministers of the Church here and in England. They find that the Rector of a Church in England has a Fee in his Rectory, which is endowed in such a Manner as to insure a permanent Revenue during the Incumbent's Life; that Provision is made by Statute in England to subject that Revenue to the Charge of building and repairing the House of the Parsonage or Rectory: That in this Country the Church is not actually endowed, nor has the Minister a Fee or any Security in his Incumbency, which, as well as his Revenue, is at the Will of the Crown: That no Provision therefore can be made out of that Revenue for building or repairing the Parsonage House: That it is contemplated by the Canada Bill to endow the several Rectories hereafter to be constituted out of the Lands reserved for the Support of a Protestant Clergy at the Discretion of the Governor and Executive Council of the Province, or as the Legislature, under certain Limitations, may ordain: That in the meantime the Lands reserved for the Support of a Protestant Clergy are leased, and the Rents thereof may be applicable to such Support at the Discretion of the Executive Government. It is from that Fund only that the Committee can discover any Source for providing a decent Residence for the Clergy. In analogy to the Provisions of the Seventeenth of His present Majesty, the Committee apprehends it may be expedient to adopt some Rule which shall govern all Applications of this Nature until legislative Provision shall be made on the Subject. The Committee is of opinion that whenever a Church is erected, and a Minister appointed to reside, in any Township, the Wardens may be authorized to erect a Parsonage House, by anticipating the Produce of the Clergy Reserves in the Township by Loan of a Sum not exceeding Pounds, the Principal and Interest of which Loan shall be paid by such Person as may be charged with the Receipt of the Clergy Rents within the Township as they may become productive; that the Charge of Insurance and ordinary Tenant's Repairs shall be defrayed by the Incumbent, and all other Repairs by such Means as the Building.

Upon

CREATION OF RECTORIES IN UPPER CANADA.

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Upon this Principle the Committee humbly submit to your Honour, for the Approbation of His Royal Highness the Prince Regent, that the Reverend Doctor John Strachan may be entitled to receive from the Rents of the Clergy Reserves, in respect of the Lands in the Township of Cornwall, the Principal and Interest of his Advance towards the Erection of the Parsonage House in Cornwall, conformable to the Certificates of the Magistrates and Churchwardens, the Sum of 340*l.*, with Interest at the Rate of Six per Cent. from
until paid.

All which is humbly submitted.

(Signed) THOS. SCOTT,
Chairman.

No. 8.
Lieut. Governor
Sir F. B. Head
to
Lord Glenelg,
18th Oct. 1837.

Enclosure.

(No. 4.)

Castle of St. Lewis, Quebec,
23d March 1816.

Sir,

I avail myself of the present Opportunity of forwarding to your Excellency the Extract of a Despatch addressed to me by the Earl Bathurst, in reply to a Communication I made to his Lordship submitting the Petition of the Reverend Dr. Strachan to his favourable Consideration.

I have, &c.

His Excellency Lieutenant Governor Gore,
&c. &c. &c.

(Signed) GORDON DRUMMOND.

Extract of a Despatch from the Earl Bathurst addressed to his Excellency Sir Gordon Drummond, 10th October 1815.

“ The Claim of the Reverend Dr. Strachan, the present Minister of York, appears from the Report of the Council to be deserving of Consideration, and you will therefore consider yourself authorized to make the Payment which they have recommended.”

(Signed) BATHURST.

(No. 5.)

Sir,

Downing Street, 2d April 1818.

The Bishop of Quebec has frequently brought under my Consideration the Advantages which would result to the Interests of the Church of England in the Province under your Government from the legal Establishment of Parishes and Rectories in conformity with the Provision contained in the 31st Geo. 3. Chap. 31.

As I entirely concur with his Lordship in the Propriety of adopting a Measure calculated to give to the Protestant Church in the Canadas the Support which it was in the Contemplation of the Parliament of this Country to afford it, I have not failed to submit his Lordship's Representation to the Prince Regent, and I have received His Royal Highness's Commands to instruct you to take the necessary legal Measures for constituting and erecting Rectories and Parishes in every Township within the Province under your Government; and you will also take care that it be distinctly understood that the Constitution of Parishes and Rectories can give no Claim whatever to any Incumbent to receive Tithes of the Land within the Limits of his Parish; all Claim of that Nature having been effectually annulled by the Provision for the Support of a Protestant Clergy made in the Thirty-first of the King, and by the declaratory Law passed by the Legislature of the Province in 1816. The Endowment of the several Rectories with due Portions of the Clergy Reserves will be necessarily a Matter of future Consideration; and until the more general Settlement and Cultivation of the Province shall have taken place, I consider it advisable that the Management of the several Reserves should, as is the Case in the Lower Province, be vested in a Corporate Body, or continue, as at present, under the Control of the Lieutenant Governor and Executive Council.

I have, &c.

Mr. President Smith, &c. &c. &c.

(Signed) BATHURST.

(No. 6.)

APPENDIX B.

An Act relative to the Right of Tithes within this Province. (Passed by the Legislature of Upper Canada.)

[The Royal Assent to this Bill was promulgated by Proclamation bearing Date the 20th Day of February 1823.]

WHEREAS notwithstanding His Majesty has been graciously pleased to reserve for the Support of a Protestant Clergy in this Province One Seventh of all Lands granted therein,
(48.) Doubts

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to
Lord Glenelg,
18th Oct. 1837.

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Doubts have been suggested that the Tithe of the Produce of Land might still be legally demanded by the Incumbent duly instituted or Rector of any Parish, which Doubt it is important to the Well-doing of this Colony to remove; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the Authority of an Act passed in the Parliament of Great Britain, intituled "An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province,'" and by the Authority of the same, That no Tithes shall be claimed, demanded, or received by any Ecclesiastical Person, Rector, or Vicar of the Protestant Church within this Province; any Law, Custom, or Usage to the contrary notwithstanding.

(No. 7.)

Sir,

Downing Street, 22d July 1825.

I have received His Majesty's Commands to direct that you do from Time to Time, with the Advice of the Executive Council for the Affairs of the Province of Upper Canada, constitute and erect within every Township or Parish which now is or hereafter may be formed, constituted, or erected within the said Province, One or more Parsonage or Rectory or Parsonages or Rectories according to the Establishment of the Church of England, and that you do from Time to Time, by an Instrument under the Great Seal of the said Province, endow every such Parsonage or Rectory with so much or such Parts of the Land so allotted and appropriated as aforesaid in respect of any Lands within such Township or Parish which shall have been granted subsequently to the Commencement of a certain Act of the Parliament of Great Britain passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, intituled "An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province,'" or of such Lands as may have been allotted and appropriated for the same Purpose by or in virtue of any Instruction which may have been given by His said late Majesty before the Commencement of the said Act, as you shall, with the Advice of the said Executive Council, judge to be expedient under the existing Circumstances of such Township or Parish.

You shall also present to every such Parsonage or Rectory an Incumbent or Minister of the Church of England who shall have been duly ordained according to the Rites of the said Church, and supply from Time to Time such Vacancies as may happen therein.

I have, &c.

Major General Sir Peregrine Maitland, K.C.B.
&c. &c. &c.

(Signed) BATHURST.

(No. 8.)

Executive Council Chamber at York, Monday, 21st November 1825.

PRESENT,

The Honourable Wm. Campbell, Chief Justice, Chairman.
The Honourable James Baby.
The Honourable and Rev. Dr. John Strachan.

To His Excellency Sir Peregrine Maitland, K.C.B., Lieutenant Governor of the Province of Upper Canada, and Major General commanding His Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

The Executive Council having had under their Consideration the Despatch of the Right Honourable Earl Bathurst, His Majesty's Principal Secretary of State for the Colonies, dated Downing Street, 22d July 1825, directing your Excellency by His Majesty's Commands to constitute and erect from Time to Time, with the Advice of the Executive Council for the Affairs of the Province of Upper Canada, within every Township or Parish which now is or hereafter may be formed, constituted, or erected within the said Province, One or more Parsonage or Rectory or Parsonages or Rectories according to the Establishment of the Church of England, and that your Excellency do from Time to Time, by an Instrument under the Great Seal of the said Province, endow every such Parsonage or Rectory with so much or such Parts of the Land so allotted and appropriated as aforesaid in respect of any Lands within such Township or Parish which shall have been granted subsequently to the Commencement of a certain Act of Parliament of Great Britain passed in the 31st Year of the Reign of His late Majesty King George the Third, intituled "An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province,'" or of such Lands as may have been allotted and appro-

appropriated for the same Purpose by or in virtue of any Instruction which may have been given by His said late Majesty before the Commencement of the said Act, as your Excellency shall, with the Advice of the said Executive Council, judge to be expedient under the existing Circumstances of such Township or Parish, most respectfully report:—

That they are convinced of the Propriety of dividing the Province into Parishes with as little Delay as possible, not only because it appears necessary before the new System of Land-granting goes into operation, which implies such Division to have previously taken place, but as giving a religious Character to the Country; but in carrying the Measure into effect, the Townships not being of equal Dimensions, though all too large for One Parish, the Board find some Difficulty in advising into how many they ought to be divided.

On reference to the Surveyor General it is found that a numerous Class of Townships are those of Nine Miles by Twelve, containing about 69,000 Acres, One Seventh of which, or about 9,800 Acres, is the Appropriation set apart for the Maintenance of a Protestant Clergy.

Assuming only Two Parishes for each of these Townships, it is humbly submitted that the Appropriation be divided into Three Parts, and after forming any such Township into Two Parishes by a Division as convenient as Circumstances will admit, that 3,300 Acres, or One Third of the Appropriation, be attached as an Endowment to the Parsonage of each from the Reserves appertaining or belonging to such Parish, and a similar Proportion be observed in Townships of other Dimensions; that the remaining One Third, consisting of about 3,200 Acres, be reserved in the Possession of the Corporation for general Purposes, the same to be sold when it shall be deemed for the Interests of the Church, the Proceeds of such Sale to be funded in the British Stocks, and the Interest only to be applied to the Support of a Protestant Clergy.

That a general Fund, gradually accumulating as Sales of this One Third take place, will be found extremely convenient for the Support of Clergymen in Parishes till their respective Endowments become available, and likewise to supply Salaries to the Clergymen established in such Towns and Villages as may from Time to Time grow up in different Parts of the Province, and for which there is no particular Provision, and likewise for such Dignitaries as the Church Establishment may be found to require.

Such general disposable Fund becomes further necessary, from the Circumstance that many Townships were settled before 1791, and therefore contain no Reserves; others, in which the Reserves form a Block in the Middle, and cannot therefore be productive for a long Time; consequently the Clergymen of such must in the Interim be supported out of the general Fund.

That the Endowment attached to each Parsonage or Parish shall remain with the Corporation for the Purpose of managing and leasing till assumed by the Incumbent, as herein-after provided, the Proceeds while under such Management being paid into the general Fund.

That the Two Parishes into which any Township is divided may be at first conferred upon the same Incumbent, who shall be required to serve at each once on every Sabbath, except where the Ordinary may deem it expedient to order otherwise.

That so soon as any Clergyman shall prefer his Endowment to the Salary allowed him by Government out of the general Fund arising from Lands sold or leased, it shall be permitted him to do so, and his Salary in such Case shall be transferred to another Parish; for example, suppose in Cornwall, Brockville, or Kingston, &c., the whole Endowment, 6,600 Acres, is divided into Sixty-six Farms of 100 Acres each, and that such Farms let for 5*l.*, they would produce a Revenue of 330*l.*, on which the Incumbent would relinquish his Salary of 200*l.* Sterling, and take the Endowment.

It is further humbly submitted, that as soon as the Endowments of each of the Parishes into which any Township is divided become sufficient to supply a Clergyman, one shall be appointed to each at the Request of the Ordinary, saving the Rights of the Incumbent for the Time being.

In building Churches, Reference, it is respectfully conceived, should be had to the probable Population of the Parish, so that the Number of Pews may be sufficient for its Accommodation; but vacant Pews, till required by the Parishioners, to be at the Disposal of the Vestry by leasing for the Benefit of the Church.

It is also respectfully recommended that the Incumbents of Parishes be restricted in leasing to Three Lives or Twenty-one Years, the usual Time in such Cases.

As it appears from the Despatch of Lord Bathurst, as well as from the Thirty-first of His late Majesty, that, besides One Seventh of the whole Lands which by that Act has been set apart for the Maintenance of a Protestant Clergy, certain other Appropriations had in some Instances been previously made by virtue of Instructions from His said late Majesty, a Return of these from the Surveyor General, together with the Lands appropriated for each Township or Parish respectively, will be found necessary to enable your Excellency in Council to point out the particular Lots or Parcels of Land which shall form the Endowment of any Parsonage or Rectory.

Should your Excellency be pleased to approve of these Suggestions, it is humbly submitted that Lord Bathurst's Despatch, with this Report, be referred to His Majesty's Attorney General, that the necessary legal Steps may be immediately taken for dividing the Province into Parishes, and constituting and erecting Parsonages or Rectories with the Endowments as herein advised.

All which is most respectfully submitted.

(Signed W^m CAMPBELL, C. J.

No. 8.
Lieut. Governor
Sir F. B. Head
to
Lord Glenelg,
18th Oct. 1837.
Enclosure.

No. 8.
Lieut. Governor
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Enclosure.

(No. 9.)

At a Meeting of the Corporation for superintending, managing, and conducting the Clergy Reserves of the Province of Upper Canada, held on the 4th of February 1835.

PRESENT,

The Honourable and Right Reverend the Lord Bishop of Quebec.
The Honourable and Venerable the Archdeacon of York.
The Reverend A. N. Bethune.
The Reverend J. Mac Grath.
The Reverend J. Millar.
The Reverend R. Flood.
The Surveyor General.

The following Resolutions were then proposed, and unanimously adopted :

1st, Resolved, That immediate Steps may be taken to appropriate, as an Endowment to every Mission or Parish now constituted in this Province, such Portion of the Clergy Reserves or Glebes within or as near to the same as may be deemed expedient, preparatory to the Induction of the resident Clergyman.

2d, Resolved, That for the Selection of the Lots embraced in the foregoing Resolution, the Clergyman contiguous be assisted by a Person acting under the Direction of the Surveyor General.

3d, Resolved, That a few Clergy Reserve Lots, Eight or Ten in Number, as may be considered expedient, be exempted from Sale or Lease in every Township in which a resident Clergyman is not already stationed, in such Parts of the same as may appear most convenient to form an Endowment for future Parishes.

4th, Resolved, That it is expedient that a special Endowment be constituted without Delay for the Maintenance of the Episcopal Office and that of the Archdeacons in this Province, and that for this Purpose a Reservation of Two Lots in each Township be recommended.

5th, Resolved, That it is deemed advisable by this Corporation that the Leasing of the Clergy Reserves be recommenced, and that a new Table of Rents for such Reserves be established, distinguishing the annual Amount to be paid by Lessees according to the Value and Situation of the Lots held by them.

6th, Resolved, That in carrying the former Resolution into effect, it be humbly recommended to the Consideration of the Lieutenant Governor and Council, whether it would not be most expedient that the Rents to be charged in future upon the Clergy Reserves should be fixed by a moderate Per-centage upon the estimated Value of such Lots.

7th, Resolved, That it be recommended that not more than One Fourth of the Clergy Reserves be sold hereafter in any One Township by the Commissioner of Crown Lands, as from the Act of Geo. 4. Cap. 62. authorizing the Sale, it is reasonable to infer that the Retention of Three Fourths of the Clergy Reserves in every Township was contemplated.

8th, Resolved, That it be recommended that no Clergy Reserves be hereafter sold under 10s. per Acre, as when they are of less Value it is considered more advantageous that they should be retained for Lease.

9th, Resolved, That to ensure the regular Payment of Rents due upon the Clergy Reserves it be recommended that a Commission of Office should be issued, to declare the Lots of the principal Defaulters in every District vacant or open for Sale.

10th, Resolved, That it be recommended that no Assistance be bestowed in future towards the Erection of Parsonage Houses from the Funds arising from the Clergy Reserves, unless they be built of durable Materials of Brick or Stone.

11th, Resolved, That it does not appear to this Board that the Sale of Clergy Reserves under Lease was contemplated by the Act of Geo. 4. Cap. 62., since its Object was to raise a Fund for the Maintenance of the Clergy, which the Sale of leased Lots seems in some Degree to counteract.

12th, Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, expressing to him the grateful Sense entertained by this Corporation of the Zeal and Interest which His Excellency has manifested in the Cause of the Church in this Province, and recommending to his favourable Consideration the foregoing Resolutions.

(Signed) C. J. QUEBEC,
Principal.

(No. 10.)

Government House, 29th June 1835.

The Lieutenant Governor transmits to the Executive Council the accompanying Copy of a Communication addressed to the Law Officers of the Crown, and their Reports, relative to the Course which it is proposed to adopt in constituting Parsonages according to the Statutes.

The

CREATION OF RECTORIES IN UPPER CANADA.

41

The Lieutenant Governor requests the Executive Council will examine the Forms of Instruments which the Attorney General recommends to be used in constituting and endowing Rectories and presenting Rectors, and take into consideration whether the Course recommended by the Attorney General is in any respect objectionable; or whether, under all Circumstances, it may not be for the Interests of the Province to direct Parsonages to be constituted and endowed without further Delay, and designated in the Mode suggested by the Attorney General, in all Townships in which Missionaries have been appointed by the Bishop of Quebec to take charge of Congregations.

No. 8.
Lieut. Governor
Sir F. B. Head
to
Lord Glenelg,
18th Oct. 1837.
—
Enclosure.

Gentlemen,

Government House, 8th May 1835.

I am directed to acquaint you that before the Lieutenant Governor, with the Advice of the Executive Council, can proceed to constitute and erect Parsonages or Rectories in each settled Township of the Upper Province, in conformity to the Act of the 31st Geo. 3. Cap. 31., it is necessary that the Crown Officers should state, for the Information of the Lieutenant Governor and Executive Council, the precise Mode by which Parsonages or Rectories can be legally constituted, and carefully draw out the Form of the Instrument which they may recommend to be adopted in future, when the Lieutenant Governor deems it necessary to constitute Parsonages or Rectories, to endow them, and to present Ministers. The late Attorney General made a Report on these Subjects, which the Lieutenant Governor has already transmitted to you.

You will perceive from the accompanying Correspondence that the Bishop of Quebec hesitates to induct Mr. Coghlan, under the Instrument by which he has been presented to the Benefice of St. John's at Port Hope; the Lieutenant Governor therefore requests that you will report how far the Objections of the Bishop may be removed or considered valid.

The Lieutenant Governor in 1832 suggested to the Secretary of State for the Colonies that it was expedient, in making Arrangements with a view of laying the Foundation of the Church and insuring its Prosperity, to constitute gradually a certain Number of Rectories or Parsonages in every Township, without transferring to Incumbents any of the exclusive Rights or Immunities connected with the Ecclesiastical Divisions of the Established Church, which could have reference only to Rights, Poor Laws, and the Ecclesiastical Jurisdiction of Vicars or Rectors, and endeavoured to show that the dispersed State of the Population, and other Circumstances, render it impracticable to constitute advantageously Parishes, and that such Divisions could never confer the Rights and Privileges that are attached to Parishes in England, but might embarrass the Clergy.

The Lieutenant Governor still adheres to his former Intention of constituting Rectories or Parsonages, according to the Act which has been cited, in every settled Township; a Course which was sanctioned by the Secretary of State for the Colonies in 1832. Thus, assuming that there are a certain Number of Lots set apart in every Township for Glebes or Endowments, the next Step to be taken must be to vest these Lands in the Hands of Trustees for the Benefit of Incumbents, when the Rectories or Parsonages may be constituted; and so soon as a Congregation be formed by a Minister, the Rectory may be designated by styling it the First or Second Rectory or Church of the East or West Township; and if such a Course can be legally followed, the Lieutenant Governor is persuaded that the Bishop of Quebec will not refuse to proceed with the Inductions of Ministers properly qualified, on their being legally presented to him.

The Crown Officers.

I have, &c.
(Signed) WM. ROWAN.

Gentlemen,

Government House, 26th May 1835.

With reference to my Communication of the 8th instant, and the present State of the Missions of the Church of England, and to the Intention of the Lieutenant Governor of erecting Parsonages immediately, with the Advice of the Executive Council, in conformity to the Statutes, I am directed to call your Attention to the chief Objects it appears desirable to accomplish in presenting and inducting Clergymen,—the conferring the Right on all the Inhabitants of a Township to attend every Church that may be established in the Township in which they reside, and to secure to Incumbents the Appropriations which may be annexed to their respective Churches, without embarrassing them with any of the Immunities and Privileges which are inseparable from our Ecclesiastical Divisions at home, but inapplicable to this Province.

The Statutes declare that Parsonages are to be erected in Townships according to the Church of England; your Opinion, therefore, is requested as to the legal Definition of a Parsonage, and in which Mode it can be best designated.

The Term Parsonage in Law his Excellency supposes is applied to the Benefice and Residence of the Parson or Persona Ecclesiæ, who will have during his Life the Freehold in himself of the Parsonage House, the Glebe, and Endowments attached to the Parsonage.

(48.)

The

No. 8.
Lieut. Governor
Sir F. B. Head
to
Lord Glenelg,
18th Oct. 1837.
—
Enclosure.

The Lieutenant Governor requests to be informed whether Churchwardens or Guardians of the Church Property, who are in England the legal Representatives of the Parish, cannot be chosen by the joint Consent of the Minister and Congregation or Pew-holders.

As the Parsonage in Law will be considered as the Appropriation of the Parson, and not as the Boundaries of a Parish or the Extent of any Ecclesiastical Jurisdiction, the Lieutenant Governor suggests that a Church and Parsonage might be designated sufficiently by styling it the First, Second, or Third Township Church.

On these Points his Excellency desires to have your Opinion as soon as possible.

The Crown Officers.

I have, &c.
(Signed) WM. ROWAN.

31 G. 3. c. 31.

Sir,

Solicitor General's Office, Toronto, 4th June 1835.

With reference to your Communication of the 8th and 26th May last, containing the Commands of the Lieutenant Governor that I should report my Opinion on the Points referred to therein, relating to the Intention of His Excellency to erect Parsonages and Rectories within the Province, I have the Honour to state that the Act of the British Parliament, from which Authority to act on this important Subject is derived, requires,—

1st, That the Limits of all Parsonages or Rectories created should be defined :

2d, That, when defined, a Minister duly ordained according to the Establishment of the Church of England should be presented for Induction ; the Patronage being in all Cases in the Crown.

3d, That such Parsonage or Rectory should be endowed with such Portion of the Lands reserved for the Support of the Established Church as His Majesty's Government should think sufficient for the proper Maintenance of the Minister : And upon these several Heads I beg leave to offer the following Observations.

Upon the first Point, I am of opinion that it is necessary that the Limits of all Parsonages or Rectories should be defined : First, because when declared and established, they are intended to constitute the Ecclesiastical Divisions of the Province, in the same Manner that Parishes constitute these Divisions in England ; second, because the Minister being appointed to the *Cure of Souls* within *his Parsonage or Rectory*, and as no Duties can be legally required of him *beyond its Limits*, it is obvious that it must contain such a Number of Inhabitants as will constitute a Congregation ; and, third, because Churchwardens must be elected annually by and from among the Members of the Church residing within the Boundaries of the Parsonage or Rectory, and cannot be elected from among any other Class of Persons. And it may be necessary to remark, with reference to Churchwardens, that they should be legally appointed ; and that when so elected they become vested with the Control of the moveable Effects belonging to the Church, have the Power of regulating and settling Fees and Pew Rents, and generally are placed in the Management of all Matters relating to Church Property and Funds, with the Exception of the landed Endowments and other Real Estate held by the Incumbent and derived from the Crown.

Upon the Second Point I beg to remark, that the Minister, when inducted, becomes vested with all the Rights which belong to a Parson or Rector of a Parish in England, and is in like Manner subject to all the Duties and Responsibilities which in that Country attach to the Incumbent of a Living there. With respect to the Rights of a Parson or Rector, they are few even in England, and are still less in Number in this Country. Here there are no Tithes, no exclusive Right to marry or to keep Registries of Marriage, Births, Christenings, or Burials ; no Claims to Fees, Privileges, or Immunities of any Kind, arising from Usage or Prescription. In this Country, as in England, the Parson or Rector, when inducted, becomes a *Corporation Sole*, and as such he is invested with all the *Real Estate* with which the Parsonage or Rectory is endowed, and Control over these (which are the only Rights that exclusively belong to him) he alone can exercise, be the Limits of his Parsonage great or small ; on the other hand, every Duty that is imposed on an Incumbent of a Living in England attaches to him here, and he is responsible to the Civil or Ecclesiastical Power for their due Performance. The Apprehension therefore that has been entertained (by myself as well as others), that by extending the Limits of a Parsonage or Rectory, a Power would be given to the Minister that might be improperly used, and therefore lead to inconvenient Consequences, is, upon Examination, found to be without Grounds ; on the contrary, in proportion as the Limits of the Parsonage or Rectory are extended, the Duties and Responsibilities of the Incumbent are increased, and the Control of the Congregation over him strengthened, while he gains no additional Advantage whatever to himself. The Laws do not prescribe the Number of Inhabitants a Parsonage or Rectory should contain before the Bishop is authorized to induct a Minister to the *Cure of Souls* within its Limits, and therefore this must, to a certain Degree, be left to his Discretion ; but the creating a Parsonage or a Rectory, without assigning Boundaries, would in my Opinion be void, and therefore without this being done neither Presentation nor Induction could legally take place.

Upon

CREATION OF RECTORIES IN UPPER CANADA.

43

Upon the last Point it is unnecessary for me to make any further Observation than that a Form of Patent should be framed conformably to Law, for endowing Parsonages or Rectories with such Lands as His Majesty's Government may deem sufficient for the respectable Support of the Incumbent.

All which is nevertheless respectfully submitted.

I have, &c.
(Signed) CH. A. HAGERMAN, Solicitor General.

No. 8.
Lieut. Governor
Sir F. B. Head
to
Lord Glenelg,
18th Oct. 1837.
Enclosure.

Sir,

Attorney General's Office, 13th June 1835.

I HAVE the Honour to request that you will submit to the Consideration of his Excellency the Lieutenant Governor the proposed Forms of Two Instruments drawn by his Excellency's Command.

1. An Instrument under the Great Seal for the constituting and erecting of a Parsonage or Rectory within any particular Township according to the Authority given to His Majesty by the Statute 31 Geo. III. c. 31. s. 38.

2. Letters Missive, also under the Great Seal, directed to the Lord Bishop of Quebec, requiring the Institution and Induction of the Clergyman whom his Excellency, under the Thirty-ninth Section of the same Act, may present to the Parsonage or Rectory so constituted. The contemporaneous Endowment of the Land appropriated by the other Instrument may be made by an ordinary Grant to the Incumbent and his Successors. On all future Presentations the legal Title to the Temporalities will vest by the Act of Institution and Induction.

The great Respect due to the Opinion of the Solicitor General has led me to frequent Reconsiderations of my Advice, that his Excellency, under the Imperial Act above recited, might erect and constitute these Parsonages, and endow them, without assigning any territorial Limits for the Spiritual Jurisdiction and Operations of the Parson, in the Nature of a Parish; and I cannot divest myself of the Opinion that the Parsonage may be so constituted, and may consist of the Parson, with the Church, &c., and the Endowment. Parish, in its technical Sense, having relation to Tithes, Church Rates, &c., undoubtedly requires ascertained Limits; the Word, however, is not used in the Act except as a mere civil Subdivision of the Province, and synonymously with Township; for it authorizes the Erection and Constitution of one or more Rectory or Parsonage or Rectories or Parsonages within every Township or *Parish*. Neither do I think the Words Parsonage and Rectory are used with any reference to a particular Jurisdiction as contradistinguished from Vicarage or Stipendiary Priesthood, but simply as *Benefice*, which is the largest Term applied to Church Livings, and means the Beneficia or Endowment; and I think the Parson or Corporation Sole, together with the Church and Benefice or temporal Endowment, will amount to a Parsonage within the Meaning of the Act. Had the Act, while authorizing the Erection and Constitution of Parsonages within each Township, used any Words implying a Division of the Township, some Doubt might be entertained which the Act does not now raise. The Difficulty of making territorial Divisions now which would meet the State of Population hereafter, together with the Inapplicability from the Absence of Tithes and Church Rates, the Beneficia consisting entirely of Land or the Proceeds of Land, combined with the probable Impolicy of appearing to create Parishes where there is no Spiritual Jurisdiction, or Cure of Souls, in the ancient Sense of the Words, where in fact the Clergyman's Parish consists of his voluntary Flock and Congregation, impress me with the Opinion that, unless the Law had in Terms required such a specific Division and Appropriation of a particular Part of each Township to each Endowment, the contrary System is the most expedient.

As to the Appointment of Churchwardens, the Provision in the 33 Geo. III. c. 2. s. 7. respecting them having been repealed by the recent Act consolidating and altering the Laws relating to Township Officers, in which no Mention whatever is made of Churchwardens, and as there are here no Payers of Church Rates, I am not at this Moment prepared to say how they could be legally appointed; but I do not think that any present Uncertainty upon that Matter could delay his Excellency in the important Duty of erecting and constituting Parsonages and appropriating the Endowments.

I have, &c.
(Signed) ROBERT S. JAMESON.

Lieutenant Colonel Rowan.

In Council, 5th November 1835.

The Council concur with the herein-expressed Opinion of the Attorney General, and recommend that no Time should be lost in erecting and constituting Parsonages and appropriating the Endowments in the Manner within-mentioned.

(Signed) J. C. PETER ROBINSON, P. C.

No. 9.

(No. 4.)

COPY of a DESPATCH from Lord GLENELG to Major General Sir GEORGE ARTHUR, K.C.H., Lieutenant Governor of Upper Canada.

No. 9.
Lord Glenelg
to
Lieut. Governor
Sir G. Arthur,
26th Dec. 1837.

Sir,

Downing Street, 26th December 1837.

AMONGST the Questions to which your Attention will be called upon your Arrival in Upper Canada, one of the most important is that which relates to the Provision for the Maintenance and Diffusion of Christian Knowledge throughout the increasing Population of the Province.

This Subject has recently engaged much of the public Attention in Upper Canada, with reference to the recent beneficial Appropriation of the Lands set apart by the Act of 1791 for Religious Purposes, and known by the Name of Clergy Reserves. It could scarcely be expected that the Discussion of this Question could fail to produce considerable Controversy and Excitement, or that its Settlement could be accomplished without serious Difficulty. I entertain, however, a confident Hope that some Plan may at an early Period be agreed to, by which the Difficulties which have hitherto opposed a satisfactory Adjustment of the conflicting Claims of various Religious Denominations may be removed, and an adequate Provision be made for meeting, on comprehensive Principles, the Religious Wants of the great Body of the Inhabitants.

I regret that the agitated Question of the Endowment of Fifty-seven Rectories in the Commencement of the Year 1836 has introduced a new Element of Dissension. The Correspondence which has taken place between Her Majesty's Government and your Predecessor on this Subject, will place you fully in possession of the Facts of this Case. How far the View originally taken of that Subject by the Law Officers of the Crown, may be altered when they shall have maturely considered the Explanations which have recently for the first Time reached me, as to the Grounds on which the Lieutenant Governor and Executive Council really proceeded, I am at present unable to state. In the meantime, however, before I can receive their Report, I think it right to acquaint you with the View which I at present entertain of the Course which it may be desirable to pursue with reference to this Subject.

The House of Assembly of Upper Canada, as appears from their Journals of the 9th February 1837, adopted a Series of Resolutions relative to these Endowments, of which the Sixth declared, "That this House regards as inviolable the Rights acquired under the Patents by which Rectories have been endowed, and cannot therefore either invite or sanction any Interference with the Rights thus established." On the Part of Her Majesty's Executive Government, I cannot hesitate to avow our entire Adoption of the Principle by which this Resolution was dictated. Although the Endowments of the Rectories in the Year 1836 did not take place with the previous Concurrence or Knowledge of the present Ministers of the Crown, yet, as they appear to have been made at least under a presumed Authority from the Secretary of State, and as considerable Time has now elapsed since the Parties were put in Possession of the Lands, I should much regret to be compelled to disturb that Settlement, or to dispossess the Clergy of the Church of England of the Lands which have been assigned for their Maintenance.

Should the legal Right now appear to the Law Officers of the Crown to be indefeasible, no practical Question will of course remain for the Decision of the Government; but, even on the contrary Supposition, I feel that, with the Concurrence of the Local Legislature, the Endowments which have actually been made might be ratified in connexion with some general Scheme for the future Appropriation of the Clergy Reserves which would satisfy the reasonable Claims of other Denominations of Christians. As a Basis of such a Settlement I would propose that, under the peculiar Circumstances of the Case, the Right of the Church of England to the Endowments of January 1836 should be acknowledged and ratified. I would further suggest that this Measure should be accompanied by a Legislative Declaration that the Establishment and Endowment of Rectories in the Province shall not be construed to confer any Right to exercise any Ecclesiastical or Spiritual Power whatever, "except over the Members of the Church of England." I quote these Words from the Resolutions of the Assembly of the 9th of February 1837, to which I have already referred. That House indeed proposes that this Declaration should

proceed,

proceed, not from the local Legislature, but from Parliament. But I conceive that, if the Arrangement I suggest should meet with general Acceptance, there will be no Difficulty in obtaining an Act of General Assembly for the Purpose, and that the Interference of Parliament in the internal Affairs of the Province may thus be avoided.

No. 9.
Lord Glenelg
to
Lieut. Governor
Sir G. Arthur,
26th Dec. 1837.

In the next place, I have to refer you to my Despatch to Sir F. Head of the 7th of September, No. 231, in which, and in the Enclosures accompanying it, will be found an Explanation of the System established on my Advice by His late Majesty for providing for the Religious Instruction of the Inhabitants of the Australian Colonies. I do not here enter into the Details of that Measure, with which you are already familiar, but I confine myself to the Statement that the general Principle of it is, that the Contributions of the State towards the Support of the different Christian Communions should be regulated by the Extent of the voluntary Efforts which the Members of each should make for the Promotion of the same general End. Of the Success of that Plan in New South Wales I have the most satisfactory Proofs. The Result in that Colony, even during the short Period which has elapsed since the Provisions of this Measure have been in operation, has been greatly to increase the spontaneous Exertions of the various Denominations of Christians, the Number of Ministers, and the Means applicable to the general Diffusion of Christian Instruction. If the Clergy Reserves of Upper Canada should be converted into a Fund subject to a similar Appropriation, I perceive no Reason to doubt of a corresponding Result. If, by the Adoption of this Scheme, with any Modifications which the Knowledge possessed by the local Legislature of the Circumstances of the Province, and the comparative Numbers of the Religious Denominations existing in it, may suggest, Concord and a mutual good Understanding could be restored amongst the different Christian Societies existing in Upper Canada, an Object of the highest Importance would be attained. We should have closed a Controversy hostile to the general Peace of Her Majesty's Subjects inhabiting that Part of Her Dominions, and should have brought to an End a Debate painful to every one who is justly alive to the Interests of the Christian Faith, which we all acknowledge and profess under various Forms of Ecclesiastical Government.

You are therefore authorized to convey these or any other Suggestions which you consider better adapted to effect the Object in view, to the Legislative Council and House of Assembly, in whatever Manner may be most consistent with constitutional Forms and with a careful Respect for their Rights and Privileges; and I earnestly hope that they will cordially co-operate with Her Majesty's Government and with yourself in the Adoption of such Measures, with reference to this important Subject, as will most effectually conduce to the Advancement of the best Interests of all Classes of Her Majesty's Subjects in the Province.

I have, &c.
(signed) GLENELG.

No. 10.

(No. 20.)

COPY of a DESPATCH from Lord GLENELG to Major General Sir GEORGE ARTHUR, K.C.H., Lieutenant Governor of Upper Canada,

Sir,

Downing Street, 9th February 1838.

REFERRING to the Despatches enumerated in the Margin on the Subject of the Rectories established in Upper Canada, under an Order made by Lieutenant Governor Sir John Colborne with the Advice of the Executive Council, in the Year 1836, I have now the Honour to transmit for your Information a Copy of a further Report which has reached me from the Queen's Advocate, and from Her Majesty's Attorney and Solicitor General. You will perceive that, advertng to the Facts now for the first Time brought under their Notice, they affirm the Validity of the Endowments in point of Law, while they continue to maintain the Insufficiency of the Authority to which alone the Order itself referred as the Foundation of the Measure.

(48.)

I regret

Sir F. Head, 2d May.
No. 51.
Lord Glenelg, 6th July,
No. 100.
Sir F. Head, 13th Oct.
No. 113.

No. 10.
Lord Glenelg
to
Lieut. Governor
Sir G. Arthur,
9th February 1838.
—
Enclosures.

I regret that the real Basis on which the Act proceeded was not communicated to me in answer to my first Demand for Explanation on the Subject, in which Case this Discussion would have been saved.

The legal Right being now established, no further Question respecting them can remain for the Consideration of Her Majesty's Government.

The Synod of the Scots Church in Upper Canada has, as you are aware, made the strongest Representations against these Endowments, and especially against what they apprehend must follow, namely, that the Ecclesiastical Authority thereby established in the Parishes created by this Measure must affect, not merely the Members of the Church of England, but those also of other religious Communion. If this be really the legal Consequence of the Measure, of course the Ministers of the Crown cannot prevent it. I confess, however, that I do not distinctly understand what is that Ecclesiastical Authority which the Incumbents of the Church of England have thus acquired, and against which the Members of the Scots Church remonstrate; I am much disposed to doubt whether, in Practice or in Theory, the Fifty-seven Rectories will exercise any Authority, spiritual or temporal, excepting over those who may voluntarily submit themselves to it.

If, however, any Members of the Scots Church, or of any other Christian Community, shall insist upon a further Investigation of the Question of Law, and shall be able to state any material Fact or to suggest any important Argument which may hitherto have escaped Notice, it will be my Duty to afford them the same Facility for bringing the Question under the Review of the highest accessible legal Authority, which has already been afforded to the Clergy of the Church of England; but as there is little Prospect of any such Fact or Argument being now elicited, I should rejoice to believe that the Discussion is finally closed. I trust that the Efforts which you have been instructed to make for the Adjustment of the Question of the Clergy Reserves will tend to that Result.

I have, &c.
(Signed) GLENELG.

(A.)

Sir,

Downing Street, 19th December 1837.

Lord Ripon to Sir
J. Colborne.

No. 56. of 21st Nov.
1831.

Do. to Do.

Confidential, 5th April
1832. Minute of
Ex.-Council, Upper
Canada.

15th Jan. 1836. Lord
Gosford's Commission.

Law Officer's Report,
8th June 1837.

Sir F. B. Head, No. 51.
2d May 1837.

Lord Glenelg to Sir
F. B. Head, No. 199.
6th July 1837.

Sir F. Head's Reply,
No. 113. of 18th Oc-
tober 1837.

I have the Honour herewith to transmit to you certain Documents which I referred to you on the 12th of April last on the Subject of the Endowment of certain Rectories in the Province of Upper Canada. I also enclose a Copy of the Report made by you and by the Attorney and Solicitor General in answer to that Reference, with Copies of a Correspondence which has since taken place on the Subject between myself and the Lieutenant Governor of Upper Canada; I also enclose a Copy of the Commission under which the Government of the Province was administered in the Month of January 1836, when the Order of the Lieutenant Governor in Council respecting those Rectories was made.

Adverting to these various Documents, and especially to the Report of the Archdeacon of Toronto accompanying Sir F. Head's Despatch of the 18th of October, I am to request that, in concurrence with Mr. Attorney and Mr. Solicitor General, you would report to me your and their joint Opinion, whether the addition of the material Fact now communicated to you, affects the Conclusion which you and they adopted and reported to me on the 8th of June; and if so, you will have the goodness to report to me the Answer which you now would give to the Questions proposed in my Letter of the 12th of April, which I will transcribe.

They were as follow; namely,

First. Adverting to the Terms of the Statute 31 Geo. 3. Cap. 31. Sec. 36. to 40., and to the Terms of the Royal Commission, could the Lieutenant Governor with the Advice of the Executive Council lawfully constitute and erect or endow any Parsonage or Rectory within the Province without the further Signification of Her Majesty's Pleasure?

Secondly. Can Lord Ripon's Despatch of 5th April 1832 be regarded as signifying His Majesty's Pleasure for the Erection of Parsonages or for the Endowment of them, or for either of those Purposes?

Thirdly. Are the Erection and the Endowment of the Fifty-seven Rectories by Sir J. Colborne valid and lawful Acts?

Fourthly

Fourthly. If the preceding Questions be answered in the Affirmative, Have the Rectors of the Parishes so erected and endowed the same Ecclesiastical Authority within their respective Limits as is vested in the Rector of a Parish in England, or within what other Bounds is that Authority restricted?

I have, &c.

The Queen's Advocate,
with Counterparts to the
Attorney General and Solicitor General.

(Signed) GLENELG.

No. 10.
Lord Glenelg
to
Lieut. Governor
Sir G. Arthur,
9th February 1838.

Enclosures.

(B.)

(No. 55.)

Extract of a Despatch from Viscount Goderich to Sir J. Colborne, dated
Downing Street, 21st November 1831.

“ With respect to the Clergy Reserves, I have no Hesitation whatever in stating that I entirely concur with the Assembly in thinking that they form a great Obstacle to the Improvement and Settlement of the Province, without being productive of any corresponding Advantage to make up for the Inconvenience. During the Forty Years the System of making these Reserves has existed the total Amount of the Income they have afforded has not equalled the Expense incurred in their Management.

“ I find by the Abstract of the Income and Expenditure of the Corporation for managing the Reserves that the Receipts during the last Nine Years have not averaged more than 200% a Year, and that the whole of these Sums have been absorbed by the Expenses of the Officers of the Corporation. It is indeed stated that a considerable Number of Leases have been granted, and that a yearly Income may be expected from the Land so let of 3,350% Currency; it appears, however, that this Sum is what is calculated upon as the Amount of the Rent which ought to be obtained, not what has been actually received; and I fear that when the Expenses of Management and Collection come to be deducted, and the necessary Allowance made for bad Debts, the net Proceeds would be very considerably reduced; even supposing the nominal Rent to be collected it would be but a small Sum when compared with the Burden inflicted upon the Colony. It seems indeed to be proved by what has been experienced, not only in Canada but in the Australian Colonies, that Land in Countries where so much remains unappropriated can only be profitably occupied by those who have the Stimulus of personal and permanent Interest. Hence the Income derived from landed Property retained in the Hands of the Government for any public Purpose is trifling compared to the Inconvenience it occasions; the same Sum raised in almost any other Manner would be much less burdensome to the Colony.

“ Under these Circumstances I cannot entertain a Doubt that an End should immediately be put to the System of reserving a Seventh of the waste Lands in Canada for the Support of a Protestant Clergy; that which would be an objectionable Mode of raising a Revenue for any public Purpose is still more strongly to be condemned as a Provision for the Ministers of Religion, since it must have a direct Tendency to render odious to the Inhabitants those to whom their Good-will and Affection are so peculiarly needful.

“ Such are the Considerations by which His Majesty's Government have been influenced in coming to the Conclusion that the Retention of the Clergy Reserves in their present State is inexpedient. It is scarcely necessary to protest against this Conclusion being construed into an Acquiescence in the Opinion expressed in a Petition upon this Subject, signed by a considerable Number of the Inhabitants of the Province, “ that any Kind of Church Establishment, circumstanced as Upper Canada is, is essentially anti-christian and baneful to every Interest of Humanity.” I am convinced that this is a Sentiment which the great Majority of those by whom the Petition was signed would not seriously mean to adopt, and that in their Eagerness to get rid of a practical Grievance, they have incautiously sanctioned speculative Opinions, which I have no Doubt that upon mature Reflection they would disavow. Believing this to be the Case, I decline to enter into any Argument for the Purpose of refuting an Assertion, the Justice of which I so entirely deny. It is sufficient to repeat that His Majesty's Government have advised the Abandonment of the Reserves,

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for

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for the simple Reason that after an Experience of Forty Years they have been found not to answer the Expectations entertained at the Time the System was established, but have entailed a heavy Burden upon the Province without producing any corresponding Advantage.

“ In a separate Despatch I have described in detail the Measure it will be necessary to adopt for the Purpose of causing these Reserves to revert into the general Mass of the Crown Estate, when they will be managed by the same Officers, and according to the same Rules.”

(C.)

(No. 56.—Copy.)

Sir,

Downing Street, 21st Nov. 1831.

In my Despatch of this Date, No. 55., I have announced to you the Intentions of His Majesty's Government on the Subject of the Clergy Reserves in Upper Canada, and have apprized you that I should in a separate Despatch describe in detail the Measures it would be necessary to adopt for the Purpose of causing those Reserves to revert into the general Mass of the Crown Estate. I now proceed to execute this Purpose. The Statute 31 Geo. III. Cap. 31. Sec. 36. to 40. provides for the Appropriation of Lands for the Maintenance of a Protestant Clergy, and for the Erection and Endowment of Rectories, the Presentation of Incumbents, and the Manner in which such Incumbents shall hold their Livings. The Forty-first Section, which immediately follows those Enactments, is expressed in the following Words:—

“ Provided always, that the several Provisions herein-before contained respecting the Allotment and Appropriation of Lands for the Support of a Protestant Clergy within the said Provinces, and also respecting the constituting, erecting, and endowing Parsonages or Rectories within the said Provinces, and also respecting the Presentation of Incumbents or Ministers to the same, and also respecting the Manner in which such Incumbents or Ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express Provisions for that Purpose contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively and assented to by His Majesty, His Heirs or Successors, under the Restrictions herein-after provided.”

The Forty-second Clause then proceeds to enact, that whenever any Act shall be passed by the Legislative Council and Assembly for any of the before-mentioned Purposes, such Act shall, “ before any Declaration or Signification of the King's Assent thereto,” be laid before both Houses of Parliament in Great Britain, and that His Majesty shall not signify His Assent until Thirty Days after the Act shall so have been laid before the Two Houses.

Subsequently to the Date of this Act of Parliament the Corporation for the Management of the Clergy Reserves was established by a Charter issued under the Great Seal of the Province; that Body have granted Leases of a considerable Quantity of Land, none of which, as I understand, are made to endure for more than Twenty-one Years from their respective Dates.

The Statute 7 & 8 Geo. IV. Cap. 62. authorized the Governors of the Provinces, with the Consent of the Executive Council, in pursuance of any Instructions which might be issued to them by His Majesty through One of His Principal Secretaries of State, to sell a Part of the Clergy Reserves, not exceeding One Fourth of the Whole, provided that in no One Year more than 100,000 Acres were so sold; the Money arising from the Sales was to be invested in the Public Funds of this Kingdom, and the Interest of that Investment was declared applicable either to the Improvement of the unsold Reserves or to the Purposes for which the Reserves were originally made.

It appears that in pursuance of this Statute 74,819 Acres of the Clergy Reserves have been sold up to the Month of June last, for Sums together amounting to 50,637*l.* 7*s.* 6*d.* Currency, and that the Sum of £ was due by the Purchasers, who by the Terms of their Contracts were liable to the Payment of Interest.

In order to accomplish effectually the Designs which I have explained in the Despatch already referred to, it will be necessary that so much of the Statute 31 Geo. III. Cap. 31. as relates to the Allotment and Appropriation of Lands for the Support of the Protestant Clergy within the Province of Upper Canada should

should be repealed by an Act to be passed by the Council and Assembly in exercise of the Authority committed to them for that Purpose by the Forty-first Section of the Act. The Bill, if so passed, must be accompanied by an Address from the Legislative Council and Assembly, desiring that it may be "transmitted " to England without Delay, for the Purpose of being laid before Parliament " previously to the Signification of His Majesty's Assent thereto."

A simple Repeal of this Part of the Act of 1791 would give Birth to some Questions of an embarrassing Nature, the Discussion of which it is very desirable to preclude. The Questions which I anticipate would be, 1st, whether the Reserves already made would vest in His Majesty absolutely, or would be held by him upon any Trust for the Benefit of the Protestant Clergy; 2dly, whether the Leases granted by the Corporation for managing the Reserves would be still subsisting; 3dly, whether the Rent reserved on those Leases would be payable to His Majesty or to the Corporation; 4thly, whether the Money already raised by Sales under the Act of 1827 would remain applicable or not to the Purposes expressly declared by that Statute. It might be suggested, as a further Doubt, whether the Corporation would continue in existence, and whether the Powers of Sale given by the Act of 1827 were to be exercised any further. The Solution of those Questions is, however, obvious: the Corporation could not survive the Extinction of the Object for which it was erected; the Power of Sale could not be exercised after the Subject of Sale, viz. the Clergy Reserves, had ceased as such to exist.

To meet, however, still more effectually the Two last-mentioned Questions, you will, as soon as the Act shall have been introduced into the Assembly, intimate to the Clergy Corporation that it is the express Desire of His Majesty's Government that until the Bill shall have finally passed into a Law, or shall have been finally rejected, they do abstain from granting any more Leases of the Clergy Reserves; I cannot doubt their ready Compliance, and am most reluctant to reason, even hypothetically, on the contrary Supposition. But as it will be necessary to prevent improvident Leases, which on the Haste and Excitement of the Moment might be made, you will, in the unfortunate Contingency of the Corporation persisting in making them, direct the Attorney General to take such Measures as may be best adapted to bring to Trial the Validity of the Charter itself. I apprehend that the Result must be to ascertain that it is void in point of strict Law. But it is impossible to deprecate such a Controversy too earnestly, or to contemplate it at all, except as an extreme Remedy in a Case of extreme Importance.

Whenever the Act shall have been finally passed the continued Existence of the Charter would be of no practical Importance, though it would be on the whole desirable that the Charter should be then surrendered.

With regard to the Continuance of the Power of Sale under the Statute 7 & 8 Geo. 4. c. 62., you will immediately signify to the Officers employed under that Statute His Majesty's Commands that they do abstain from acting any further in execution of it after the 30th June 1832, and that during the Half-year from January 1st to that Date the Sales to be made should not exceed in Number of Acres the Number actually sold in the preceding Half-year.

The Difficulties which might oppose or partially frustrate the Execution of the Designs of His Majesty's Government being thus obviated, it remains to consider what Provisions the proposed Act of Assembly should contain.

First, then, it should be enacted, that so much of the British Statute of 1791 as relates to the Appropriation of Clergy Reserves shall be repealed. But as it is unnecessary and would be highly inconvenient to repeal so much of that Act as relates to the Erection and Endowment of Parsonages, it will be fit, in order to obviate the Possibility of Mistake, that the precise Words upon which alone the Repeal is to operate should be quoted in the repealing Act.

Secondly, to remove all Doubts as to the Effect of the Repeal, it should be expressly provided that the reserved Lands should immediately vest in His Majesty and be held by him, His Heirs and Successors, in the same Manner in every respect as if the Provisions to be repealed had never been enacted.

Thirdly, the Leases granted by the Clergy Corporation should be declared to be as valid as though the repealing Act had not been passed; but the Tenant should be required to attorn to His Majesty, and to pay their Rents to Him, or to the Receivers of His Land Revenue in the Province.

(48.)

No. 10.
Lord Glenelg
to
Lieut. Governor
Sir G. Arthur,
9th February 1837.

Enclosures.

Fourthly,

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 Lord Glenelg
 to
 Lieut. Governor
 Sir G. Arthur,
 9th February 1837.

Enclosures.

Fourthly, all Sales effected, and all Acts done under the Statute 7 & 8 Geo. 4. Cap. 62. should be declared as valid as though the repealing Act had not been passed.

Fifthly, the only additional Provision, the Necessity of which I can anticipate, would be an Enactment declaring that henceforward no Grant of Lands wherever made shall be deemed invalid or ineffectual, by reason of the Absence of a Specification of the Clergy Reserves appropriated in respect of such Grant. With reference to future Grants this of course would be superfluous, but it might obviate some inconvenient Doubts as to the Effect in future of past Neglects of this Part of the Act of 1791.

A Provincial Statute embracing these Provisions, and neither exceeding nor falling short of them in any material Respect, would, I apprehend, effectually set at rest all the Questions respecting the Clergy Reserves, to which I have adverted in my accompanying Despatch, except in the possible, but I trust very improbable Event, of either House of Parliament addressing His Majesty to withhold His Assent. That however is a Contingency against which no Security can be taken, and upon which it could answer no practicable Purpose to speculate.

It remains to consider what Steps should be taken in order to bring this Question fairly under the Notice of the Two Branches of the Provincial Legislature. For that Purpose it will be fit that they should be invited to the Consideration of the Question by a Message from His Majesty. Anxious as I am to relieve you to the utmost possible Extent from Responsibility upon an Occasion of so much Gravity and Importance, I enclose to you the Copy of a Message to be transmitted in His Majesty's Name to both of the Houses of the Provincial Legislature.

The same Motive induces me to transmit to you the Draft of a Bill, which has been prepared under my Direction, for carrying the Views of His Majesty's Government into effect. Without intending to fetter the Discretion of the Law Officers of your Government, I must express my earnest Wish that the Bill might be introduced in Terms corresponding as closely as possible with those of the accompanying Draft.

I am not sufficiently conversant with the Usages of the Canadian Assembly to venture to prescribe any thing respecting the Manner in which this Bill should be brought forward. If I am not misled by the Analogy of English Parliamentary Proceedings, I should desire that the Act may be introduced to the Notice of the Assembly by the Attorney General, or if he has not a Seat in that House, then by any official Member in whose Ability and Discretion you can place adequate Confidence. Should the Law pass, in any Form, you will neither give nor refuse your Consent, but will reserve the Bill for the Signification of His Majesty's Pleasure. Indeed I conceive that to be the proper Course of proceeding in every Case in which an Act of the Canadas is required to be laid before the Two House of Parliament.

I have, &c.

Lieut. General Sir John Colborne, K.C.B.
 &c. &c. &c.

(Signed) GODERICH.

(D.)

Draft of a Message to the Legislature of Upper Canada.

The Lieutenant Governor has received His Majesty's Commands to make the following Communication to the Legislative Council [the House of General Assembly], in reference to the Lands which, in pursuance of the Constitutional Act of this Province, have been set apart for the Support and Maintenance of a Protestant Clergy.

The Representations which have at different Times been made to His Majesty and His Royal Predecessors, of the Prejudices sustained by His faithful Subjects in this Province from the Appropriation of the Clergy Reserves, have engaged His Majesty's most attentive Consideration. His Majesty has, with no less Anxiety, considered how far such an Appropriation of Territory is conducive either to the temporal Welfare of the Ministers of Religion in this Province, or to their spiritual Influence. Bound no less by his personal Feelings than by the sacred Obligations of that Station to which Providence has called him to watch over the Interests of all the Protestant

testant Churches within His Dominions, His Majesty could never consent to abandon those Interests with a View to any Objects of temporary and apparent Expediency.

It has therefore been with peculiar Satisfaction that, in the Result of His Inquiries into this Subject, His Majesty has found that the Changes sought for by so large a Proportion of the Inhabitants of the Province may be carried into effect, without sacrificing the just Claims of the Established Churches of England and Scotland. The Waste Lands which have been set apart as a Provision for the Clergy of those venerable Bodies have hitherto yielded no disposable Revenue. The Period at which they might reasonably be expected to become more productive is still remote. His Majesty has solid Grounds for entertaining the Hope, that before the Arrival of that Period, it may be found practicable to afford the Clergy of those Churches such a reasonable and moderate Provision as may be necessary for enabling them properly to discharge their sacred Functions.

His Majesty therefore invites the Legislative Council [the House of General Assembly] of Upper Canada to consider how the Powers given to the Provincial Legislature by the Constitutional Act, to vary or repeal this Part of its Provisions, can be called into exercise most advantageously for the spiritual and temporal Interests of His faithful Subjects in this Province.

(Signed) GODERICH.

No. 10.
Lord Glenelg
to
Lieut. Governor
Sir G. Arthur,
9th February 1838.
Enclosures.

Draft of a Bill to be laid before the Legislature of Upper Canada.

Whereas by an Act passed in the Parliament of Great Britain in the Thirty-first Year of the Reign of His late Majesty King George the Third, intituled "An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and "to make further Provision for the Government of the said Province," it was amongst other things enacted, that it should and might be lawful for His said late Majesty, His Heirs and Successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the Person administering the Government therein, to make from and out of the Lands of the Crown within such Provinces such Allotment and Appropriation of Lands for the Support and Maintenance of a Protestant Clergy within the same as may bear a due Proportion to the Amount of such Lands within the same as had at any Time been granted by or under the Authority of His said late Majesty; and that whenever any Grant of Lands within either of the said Provinces should thereafter be made by or under the Authority of His Majesty, His Heirs or Successors, there should at the same Time be made, in respect of the same, a proportionable Allotment and Appropriation of Lands for the above-mentioned Purpose within the Township or Parish to which such Lands so to be granted should appertain or be annexed, or as nearly adjacent thereto as Circumstances would admit; and that no such Grant should be valid or effectual unless the same should contain a Specification of the Lands so allotted or appropriated in respect of the Lands to be thereby granted, and that such Lands so allotted and appropriated should be, as nearly as the Circumstances and Nature of the Case would admit, of the like Quality as the Lands in respect of which the same should be so allotted and appropriated, and should be, as nearly as the same could be estimated at the Time of making such Grant, equal in Value to the Seventh Part of the Land so granted; and it was thereby further enacted, that all and every the Rents, Profits, or Emoluments which might at any Time arise from such Lands so allotted and appropriated as afore-said should be applicable solely to the Maintenance and Support of a Protestant Clergy within the Province in which the same should be situated, and to no other Use or Purpose whatever: And whereas in pursuance of the said Statute divers Tracts of Land within this Province have been allotted and appropriated for the Support and Maintenance of the Protestant Clergy within the same: And whereas by certain Letters Patent under the Great Seal of this Province, bearing Date the Day of in the Year His said late Majesty King George the Third did constitute A.B. and C.D., and their Successors, to be a Body Corporate: And whereas the said Corporation

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have, in pursuance of the Powers so vested in them as aforesaid, demised various Parts of the said Clergy Reserves within this Province to divers Persons for Terms of Years by Leases in the Name and under the Seal of the said Corporation, in which Leases divers Sums have been reserved and made payable as by way of Rent: And whereas by a certain Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the 7th and 8th Year of the Reign of His late Majesty King George the Fourth, intituled "An Act to authorize the Sale of a Part of the Clergy Reserves in the Provinces of Upper and Lower Canada," it is enacted, "that it shall and may be lawful for the Governor and Lieutenant Governor, or Officer administering the Government of the said Provinces or either of them, with the Consent of the Executive Council appointed within such Province for the Affairs thereof, in pursuance of any Instructions which may be issued to such Governor, Lieutenant Governor, or other Officer as aforesaid by His Majesty, through One of His Principal Secretaries of State, to sell, alienate, and convey in Fee Simple, or for any less Estate or Interest, a Part of the said Clergy Reserves in each of the said Provinces (not exceeding in either Province One Fourth of the Reserves within such Province), upon, under, and subject to such Conditions, Provisoos, and Regulations as His Majesty, by any such Instructions as aforesaid, shall be pleased to direct and appoint; provided nevertheless, that the Quantity of the said Clergy Reserves so to be sold as aforesaid in any One Year in either of the said Provinces shall not in the whole exceed 100,000 Acres: Provided also, that the Monies to arise by or to be produced from any such Sale or Sales shall be paid over to such Officer or Officers of His Majesty's Revenue within the said Provinces respectively as His Majesty shall be pleased to appoint to receive the same, and shall by such Officer or Officers be invested in the Public Funds of the United Kingdom of Great Britain and Ireland in such Manner and Form as His Majesty shall from Time to Time be pleased to direct; provided also, that the Dividends and Interest accruing from such Public Funds so to be purchased shall be appropriated, applied, and disposed of for the Improvement of the remaining Part of the said Clergy Reserves, or otherwise for the Purposes for which the said Lands were so reserved as aforesaid, and for no other Purpose whatsoever, save only so far as it may be necessary to apply the same or any Part thereof in or towards defraying the Expenses of or attendant upon any such Sale or Sales as aforesaid; and which Appropriations shall be so made in such Manner and Form and for such special Purposes as His Majesty from Time to Time shall approve and direct:" And whereas in pursuance of the said last-recited Act the Lieutenant Governor for the Time being of this Province, with the Consent of the Executive Council, hath, in pursuance of Instructions for that Purpose issued by His late Majesty King George the Fourth through One of His Principal Secretaries of State, effected Sales of divers Parts of the said Clergy Reserves: And whereas by an Address to both Houses of the Provincial Legislature, bearing Date on the Day of last, Major General Sir John Colborne, Knight Commander of the most Honourable Military Order of the Bath, did signify to both of the Houses of the Provincial Legislature His Majesty's most gracious Invitation to consider how the Powers given to the Provincial Legislature by the Constitutional Act to carry or repeal that Part of its Provisions which relates to the Lands allotted and appropriated in this Province for the Support and Maintenance of a Protestant Clergy could be called into Exercise most advantageously for the spiritual and temporal Interests of His Majesty's faithful Subjects in this Province: Now, therefore, be it and it is hereby enacted, &c., That so much as is hereinbefore recited of the said Act of the British Parliament so passed as aforesaid in the 31st Year of the Reign of His said late Majesty King George the Third shall be and the same is hereby repealed.

And be it further enacted, That from henceforth no Grant heretofore made by or on the Behalf of His Majesty or any of His Royal Predecessors of any Lands situate within this Province shall be or be deemed invalid or ineffectual, or be liable to be impeached, vacated, or set aside, by reason that any such Grant did not contain a Specification of the Lands allotted or appropriated for the Support and Maintenance of a Protestant Clergy in respect of the Lands thereby granted, but every Grant of Lands within this Province heretofore made by or on the Behalf of His Majesty or any of His

Royal

Royal Predecessors in which any such Specification may have been omitted shall henceforth be and shall be deemed and taken from the Day of the Date thereof to have been as valid and effectual in the Law as though such Grant had contained the Specification aforesaid.

And be it further enacted, That all the Lands heretofore appropriated within this Province for the Support and Maintenance of a Protestant Clergy now remaining unsold shall be and the same are hereby declared to be vested in His Majesty, His Heirs and Successors, as of His and Their original Estate, absolutely discharged from all Trust for or for the Benefit of a Protestant Clergy, and of and from all and every the Claims and Demands of such Clergy upon or in respect of the same.

And be it further enacted, That all and every the Tenants or Tenant of the Lands so demised as aforesaid by the said Corporation shall and they each of them are and is hereby required to attorn, and during the Remainder of the Terms by such respective Leases granted to pay the Rents thereby respectively reserved to His Majesty, His Heirs and Successors, or to such Person as shall by His Majesty, His Heirs and Successors, or by the Lords Commissioners of His Majesty's Treasury for the Time being, be appointed to receive the same.

Provided always, and be it further enacted, That nothing herein contained shall take away or affect, or be construed to take away or affect, the Right or Title of any Person or Persons in or to any Lands which may by any such Person or Persons be holden or enjoyed, or which any such Person or Persons may claim to hold or enjoy, by virtue of any Sale, Alienation, Conveyance, or Contract made, excepted, or entered into in pursuance of the above-recited Act of Parliament passed in the Seventh and Eighth Year of His said late Majesty's Reign, but that every such Sale, Alienation, or Contract shall be as valid and effectual in the Law, and shall henceforth have and continue to have the same Force, Virtue, and Effect, as if this present Act had not been made.

No. 10.
Lord Glenelg
to
Lieut. Governor
Sir G. Arthur,
9th February 1838.
—
Enclosures.

(E.)

(Confidential.)

Sir,

Downing Street, 5th April 1832.

In my Despatch, No. 57., of the 21st November 1831, I authorized you to apply in the Year 1832, towards the Maintenance of the Bishop and other Ministers of the Church of England in Upper Canada, 5,000*l.* out of the Casual and Territorial Revenue of that Province; and I estimated that the Resources available to the same Object from Provincial Funds by Law applicable to it would amount to about 1,000*l.*, making in the whole a Sum of 6,000*l.* I directed you at the same Time to divide the Sum into Three Parts, whereof one, amounting to 1,500*l.*, was to be paid to the Bishop, another, amounting to nearly 1,000*l.*, to the Two Archdeacons of York and Kingston, and the third, of 3,500*l.*, in aid of those Payments which the Society for the Propagation of the Gospel in Foreign Parts is in the habit of making to the Ministers of the Church of England who are denominated Missionaries. You have since been informed by me in my Despatch, No. 62., of the 30th of March last, that His Majesty's Government have determined to call upon Parliament to vote, during the Life of the Bishop, the whole of his Income. The Charge therefore for the Maintenance of the Clergy for the Year 1832 will be reduced from 6,000*l.* to 4,500*l.* I have since learned from your private Letter of the 16th of February, that the Resources derivable from the Funds set apart for this Object will considerably exceed the Amount at which, judging from the Information in my Possession, I had ventured to rate them. It now appears that the Interest upon Instalments to be paid in 1832, upon Reserves antecedently purchased, will amount to 1,200*l.*; and that the net Produce of the Rents of Clergy Lands leased will not be less than 2,300*l.* To these Two Sums will be to be added the Interest upon the Purchase Money of these Reserves vested in our Funds, which will amount to about 300*l.* The Total of these Items will be 3,800*l.* instead of 1,000*l.*, at which I had estimated them; and if to this Total there be added from the Casual and Territorial Revenue 1,000*l.*, making in the whole 4,800*l.*, there will be abundant Means of meeting all the Demands for Salaries, including the Two Archdeacons, for

(48.)

which

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 Lord Glenelg
 to
 Lieut. Governor
 Sir G. Arthur,
 9th February 1838.

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which I had intended to provide. A Question therefore naturally arises, as to the most advantageous Mode of disposing of the 4,000*l.* to be taken out of the Casual and Territorial Revenue, which had been destined to this particular Service, and which will no longer be required for that Purpose. I have considered with great Attention the Observations contained in your private Letter of the 16th of February, and the Propositions which result from them; and I am happy to find that your practical Views, founded upon personal Knowledge and Experience, are so coincident with those which upon a more speculative View I had been led to entertain. I quite concur with you in thinking that the greatest Benefit to the Church of England would be derived from applying a Portion at least of the Funds under the Control of the Executive Government in the building of Rectories and Churches, and I would add, in preparing, as far as may be, for profitable Occupation that moderate Portion of Land which you propose to assign in each Township or Parish for increasing the future Comfort, if not the complete Maintenance, of the Rectors. With this View it appears to me that it would be most desirable to make a Beginning in this salutary Work by assigning to it a Portion, at least, of the 4,000*l.* to which I have before alluded, as being no longer required (during the present Year at all events) for the Payment of clerical Salaries. I say a Portion of this Sum, because I am led to think that it would be expedient, with a view to prevent Jealousy and Attempts at Interference with this Territorial Fund, to permit some Part of it to be disposed of for religious Objects generally, without reference to the particular Modes of Belief which certain Classes of the Community may entertain. Some of it might, for instance, be applied to Churches for the Presbyterians, some for Roman Catholic Chapels, and some even for the Methodists, particularly that Portion of them who may be in communion with the Wesleyan Methodists of this Country. It is obviously impossible to think of aiding every Subdivision of Religionists, whose Varieties are too indefinite to enumerate; and I feel that even with respect to those Classes to which I have alluded I cannot well undertake to prescribe to you from hence the exact Proportion of Assistance which it might be fit to grant to each. £4,000 in the whole will be disposable, and I willingly leave it to your Discretion to decide as to the proportionate Distribution of that Sum. I am well aware that in the Execution of this Duty you will have to steer a difficult Course, and that it will require no small Tact to determine by what practical Means these important Objects can best be attained; the Diffusion of religious Feelings and Motives of Conduct is the great Point to be aimed at, and His Majesty's Government must naturally feel anxious that these should be as extensively as possible in unison with the Established Church of this Country; but it cannot be forgotten that the Condition of Society in such a Country as Upper Canada presents Difficulties in the Pursuit of this Object which are very serious, and that a State of religious Peace is above all Things essential in establishing in the Minds of the People the Efficacy of religious Principles. Whilst, therefore, I admit without Reserve my own extreme Anxiety for the widest Extension of the Church of England in Upper Canada, I feel it to be scarcely less important earnestly to urge the Inexpediency of seeking to promote that great Object by aiming at the Exclusion or Repression of other Churches.

I communicate to you these Sentiments on the Part of the King's Government, with an entire Reliance upon your Judgment and Coincidence of Views; and the present Temper of the Majority of the House of Assembly, together with the increasing Prosperity and general Tranquillity of the Province, encourage me to entertain a sanguine Hope that the present Opportunity, if wisely and judiciously used, may lead to the most important and beneficial Results.

I have, &c.

Lieut. Gen. Sir John Colborne, K.C.B.,
 &c. &c. &c.

(Signed) GODERICH.

P.S. Upon a Point so important as the Distribution of the 4,000*l.* referred to in this Despatch, I should wish no actual Step to be taken, until I shall have had an Opportunity of considering any Suggestions which you may have to offer upon the Subject, which I trust I may receive at as early a Period as may be convenient for you to favour me with them.

(F.)

(Copy.)

WILLIAM R.

Our Will and Pleasure is, that you prepare a Bill for Our Royal Signature, to pass Our Great Seal of Our United Kingdom of Great Britain and Ireland, in the Words or to the Effect following; viz^t.

No. 10.
Lord Glenelg
to
Lieut. Governor
Sir G. Arthur,
9th February 1838.

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William the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, to Our right trusty and right well-beloved Cousin and Councillor Archibald Earl of Gosford, greeting.

Whereas We did, by certain Letters Patent bearing Date at Westminster the Twenty-fourth Day of November One thousand eight hundred and thirty, in the First Year of Our Reign, constitute and appoint Our right trusty and well-beloved Matthew Lord Aylmer, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant General of Our Forces, to be Captain General and Governor-in-Chief in and over the Provinces of Upper and Lower Canada during Our Royal Pleasure: And whereas We did, by certain other Letters Patent, bearing Date at Westminster the Second Day of April in this present Year One thousand eight hundred and thirty-five, in the Fifth Year of Our Reign, constitute and appoint Our right trusty and right well-beloved Cousin and Councillor William Pitt Earl Amhurst to be Our Captain General and Governor-in-Chief in and over the Provinces of Upper and Lower Canada aforesaid, during Our Royal Pleasure, and by the said last-recited Letters Patent of the Twenty-fourth Day of November One thousand eight hundred and thirty, as by these said recited Letters respectively, relation being thereunto had, may more fully and at large appear: Now know you, that We have revoked and determined, and by these Presents do revoke and determine, the said recited Letters Patent of the Second Day of April One thousand eight hundred and thirty-five, and every Clause, Article, and Thing therein contained: And further know you, that We, reposing especial Trust and Confidence in the Prudence, Courage, and Loyalty of you the said Archibald Earl of Gosford, of Our especial Grace, certain Knowledge, and mere Motion, have thought fit to constitute and appoint you to be, during Our Pleasure, Our Captain General and Governor-in-Chief in and over Our Province of Upper Canada, and in and over Our Province of Lower Canada, respectively bounded by a Line to commence at a Stone Boundary on the North Bank of the Lake Saint Francis at the Cove West of the Point au Baudet in the Limit between the Township of Lancaster and the Seigneurie of New Longueuil, running along the said Limit in the Direction of North Thirty-four Degrees West to the westernmost Angle of the said Seigneurie of New Longueuil, thence along the North-western Boundary of the Seigneurie of Vaudreuil running North Twenty-five Degrees East until it strikes the Ottawas River into the Lake Tornis Canning, and from the Head of the said Lake by a Line drawn due North until it strikes the Boundary Line of Hudson's Bay; the Province of Upper Canada to comprehend all such Lands, Territories, and Islands lying to the Westward of the said Line of Division as were Part of Our Province of Quebec; and the Province of Lower Canada to comprehend all such Lands, Territories, and Islands lying to the Eastward of the said Line of Division as were Part of Our said Province of Quebec: And We do hereby require and command you to do and execute all Things in due Manner that shall belong to your said Command and the Trust we have reposed in you, according to the several Powers, Provisions, and Directions granted or appointed you by virtue of Our present Commission, and of an Act passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, intituled "An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of Quebec, in North America,' and to make further Provision for the Government of the said Province," and of such Instructions as are herewith given to you, or which may from Time to Time be hereafter given to you, in respect to the said Provinces, or either of them, by Us, under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or through One of Our Principal Secretaries of State, and according to such Laws as are now in force or shall

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shall hereafter be made and established within Our said Provinces of Upper Canada and Lower Canada under and by virtue of such Powers, Provisions, and Directions as aforesaid: And Our Will and Pleasure is, that you the said Archibald Earl of Gosford, as soon as may be after the Publication of these Our Letters Patent, do take the Oaths appointed to be taken by an Act passed in the First Year of the Reign of King George the First, intituled "An Act for the further Security of His Majesty's Person and Government, and for the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors," as altered and explained by an Act passed in the Sixth Year of the Reign of King George the Third, intituled "An Act for altering the Oath of Abjuration and the Assurance, and for amending so much of an Act of the Seventh Year of Her late Majesty Queen Anne, intituled 'An Act for the Improvement of the Union of the Two Kingdoms,' as after the Time therein limited requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprison of Treason," or in lieu thereof the Oath required to be taken by an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled "An Act for the Relief of His Majesty's Roman Catholic Subjects," according as the said former Acts or the said last-mentioned Act shall be applicable to your Case; and likewise that you take the usual Oath for the due Execution of the Office and Trust of Our Captain General and Governor-in-Chief of Our said Province of Upper and of Our said Province of Lower Canada, and for the due and impartial Administration of Justice; and further, that you take the Oath required to be taken by Governors of Plantations, to do their utmost that the several Laws relating to Trade and Plantations be duly observed; all which said Oaths the Executive Councils of Our said Provinces of Upper Canada and Lower Canada respectively, or any Three or more of the Members of either of them, have hereby full Power and Authority and are required to administer unto you, and in your Absence to Our Lieutenant Governor, if there be any upon the Place, all which being duly performed you the said Archibald Earl of Gosford, or in your Absence Our Lieutenant Governors of Our said Provinces, or Persons administering the respective Governments therein, shall administer to each of the Members of such Executive Councils as aforesaid such of the said Oaths mentioned in the said several Acts as shall be applicable to the Case of the individual Member of Our said Council taking the same; and you are also to administer to them the usual Oath for the due Execution of their Places and Trusts: And whereas We may find it convenient for Our Service that certain Offices or Places within Our said Provinces of Upper Canada and of Lower Canada should be filled by Our Subjects who may profess the Religion of the Church of Rome; it is therefore Our Will and Pleasure, that in all Cases where such Persons shall or may be admitted into any such Office or Place, the Oath prescribed in and by an Act of Parliament passed in the Fourteenth Year of the Reign of King George the Third, intituled "An Act for making more effectual Provision for the Government of the Province of Quebec in North America," and also the Oath prescribed in and by the Act before mentioned, passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, shall be duly administered unto them; and they shall also take the usual Oath for the due Execution of their Places and Trusts respectively: We do further give and grant unto you the said Archibald Earl of Gosford full Power and Authority from Time to Time and at any Time hereafter, by yourself, or by any other to be authorized by you in that Behalf, to administer and give such of the said Oaths in the said several Acts contained as shall be applicable to the Case of the Individual to whom the same shall be administered to every such Person and Persons as you shall think fit, who shall hold any Office or Place of Trust or Profit, or who shall at any Time or Times pass into Our said Provinces of Upper Canada and of Lower Canada, or shall be resident or abiding therein: And We do hereby authorize and empower you to keep and use the Public Seals of Our said Provinces of Upper Canada and Lower Canada for sealing all Things whatsoever that shall pass the Seal of Our said Provinces respectively; and, in case of your Absence from either of Our said Provinces, to deliver the same into the Charge and Custody of Our Lieutenant Governor, or Person administering the Govern-

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ment there for the Purposes before mentioned, until We shall think fit to authorize you, by an Instrument under Our Royal Sign Manual, to commit the Custody thereof to such Person or Persons as may be appointed by Us for that Purpose : And whereas by the said recited Act passed in the Thirty-first Year of the Reign of His late Majesty King George the Third it is enacted, that there shall be within each of Our said Provinces of Upper Canada and Lower Canada respectively, a Legislative Council, &c., and an Assembly to be composed and constituted in the Manner in the said Act described ; and that in the said Provinces We, Our Heirs and Successors, shall have Power during the Continuance of the said Act, by and with the Advice and Consent of the said Legislative Councils and Assemblies, to make Laws for the Peace, Welfare, and good Government of the said Provinces respectively, such Laws not being repugnant to the said Act ; and that all such Laws being passed by the said Legislative Councils and Assemblies, and being assented to by Us, Our Heirs and Successors, or assented to in Our Name by such Person as We, Our Heirs and Successors, shall from Time to Time appoint to be Our Governor or Lieutenant Governor of the said Provinces respectively, or by such Person as We, Our Heirs and Successors, shall from Time to Time appoint to administer the Government within the same, are by the said Act declared to be, by virtue of and under the Authority of the said Act, valid and binding to all Intents and Purposes whatsoever within the said Provinces : We do hereby give and grant unto you the said Archibald Earl of Gosford full Power and Authority to issue Writs of Summons and Election, and to call together the Legislative Councils and Assemblies of the said Provinces of Upper Canada and of Lower Canada, in such Manner as is in the said Act authorized and directed, subject to the Provisions and Regulations therein contained in that Behalf, and to such Instructions and Authorities as shall be herewith or at any Time hereafter given unto you by Us in that Behalf under Our Signet and Sign Manual, or by Our Order in Our Privy Council, or through One of Our Principal Secretaries of State : And We do hereby give and grant unto you the said Archibald Earl of Gosford full Power and Authority to fix the Times and Places of holding every Session of the Legislative Councils and Assemblies of Our said Provinces of Upper Canada and Lower Canada, and to prorogue the same from Time to Time, and to dissolve the same by Proclamation or otherwise, subject nevertheless to the Regulations, Provisions, and Directions of the said last-mentioned Act, and to such Instructions and Authorities as in respect of the Premises may be herewith or at any Time hereafter given by Us unto you under Our Signet and Sign Manual, or by Our Order in Our Privy Council, or through One of Our Principal Secretaries of State : And We do by these Presents authorize and empower you the said Archibald Earl of Gosford, with the Advice of the Executive Councils appointed by Us for the Affairs of Our said Provinces of Upper Canada and Lower Canada respectively, from Time to Time to form, constitute, and erect Townships or Parishes within Our said Provinces, and also to constitute and erect within every Township or Parish which now is or hereafter may be formed, constituted, or erected within Our said Provinces, one or more Parsonage or Rectory, or Parsonages or Rectories, according to the Establishment of the Church of England ; and from Time to Time, by an Instrument under the Seal of Our said Provinces respectively, to endow every such Parsonage or Rectory with so much or such Part of the Lands so allotted and appropriated as by the last-recited Act in that Behalf is mentioned in respect of any Lands within such Township or Parish which shall have been granted subsequent to the Commencement of the same Act, or of such Lands as may have been allotted and appropriated for the same Purpose by or in virtue of any Instructions which may be given by Us in respect of any Lands granted before the Commencement of the last-mentioned Act, as you, with the Advice of Our said Executive Council of such Province, shall judge to be expedient under the existing Circumstances of such Township or Parish, subject nevertheless to such Instructions touching the Premises as shall or may be given you by Us, under Our Signet and Sign Manual, or by Our Order in Our Privy Council, or through One of Our Principal Secretaries of State : And We do also by these Presents authorize and empower you to present, subject to the Provisions in the above-mentioned Acts in that Behalf, to every such Parsonage or Rectory, and to every Church, Chapel, or other Ecclesiastical Benefice, according to the Establishment of the Church of England, within

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 Lord Glenelg
 to
 Lieut. Governor
 Sir G. Arthur,
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either

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either of Our said Provinces, an Incumbent or Minister of the Church of England, who shall have been duly ordained according to the Rites of the said Church, and to supply from Time to Time such Vacancies as may happen of Incumbents or Ministers of the said Parsonages, Rectories, Churches, Chapels, or Benefices, or any of them respectively : And We do hereby give and grant unto you the said Archibald Earl of Gosford full Power and Authority to give Warrants under your Hand for the issuing of Public Monies for all Public Services ; and We do particularly require you to take care that regular Accounts of all Receipts and Disbursements of such Monies be duly kept : And We do further give to you the said Archibald Earl of Gosford full Power and Authority, when and so often as any Bill which has been passed in the Legislative Council and House of Assembly of either of Our said Provinces of Upper Canada and Lower Canada shall be presented unto you for Our Royal Assent, to declare, according to your Discretion, (but subject nevertheless to the Provisions contained in the said recited Act passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, and subject also to such Instructions, Directions, and Authorities as We shall herewith or at any Time hereafter give unto you in that Behalf under Our Signet and Sign Manual, or by Our Order in Our Privy Council, or through One of Our Principal Secretaries of State,) that you assent to such Bill in Our Name, or that you withhold Our Assent from such Bill, or that you reserve such Bill for the Signification of Our Royal Pleasure thereon : And We do hereby authorize and empower you to constitute and appoint Judges, and, in Cases requisite, Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary Officers and Ministers, in Our said Provinces of Lower Canada and Upper Canada for the better Administration of Justice and putting the Laws in execution, and to administer or cause to be administered unto them such Oath or Oaths as are usually taken for the due Execution and Performance of Offices and Places, and for clearing the Truth in Judicial Causes : And We do hereby give and grant unto you full Power and Authority, when you shall see Cause or shall judge any Offender or Offenders in Criminal Matters, or for any Fines or Forfeitures due unto Us, fit Objects of Our Mercy, to pardon all such Offenders, and to remit all such Offences, Fines, and Forfeitures, Treason and wilful Murder only excepted ; in which Cases you shall likewise have Power upon extraordinary Occasions to grant Reprieves to the Offenders until and to the Intent that Our Royal Pleasure may be made known thereon : And We do likewise give and grant unto you full Power and Authority, with the Advice of Our Executive Councils of Our said Provinces of Upper Canada and Lower Canada, to grant Lands within the said Provinces respectively ; which said Grants are to pass and be sealed with Our Seal of such Province, and being entered upon Record by such Officer or Officers as shall be appointed thereunto shall be good and effectual in Law against Us, Our Heirs and Successors : And we do hereby require and command all Our Officers and Ministers, Civil and Military, and all other Inhabitants of Our said Provinces of Upper Canada and Lower Canada, to be obedient, aiding, and assisting unto you the said Archibald Earl of Gosford in the Execution of this Our Commission and of the Powers and Authorities herein contained : And in case of your Death or Absence out of Our said Province of Upper Canada or Our Province of Lower Canada, We do by these Presents, in either of such Cases, give and grant all and singular the Powers and Authorities herein to you granted to Our Lieutenant Governors for the Time being of such Provinces respectively, or of either of them, as the Case may be, or, in the Absence of any such Lieutenant Governors or Lieutenant Governor, to such Person or Persons as We may by Warrant under Our Sign Manual authorize and appoint to be the Administrator of the Government of such Provinces or either of them, such Powers and Authorities to be by them or him executed and enjoyed during Our Pleasure ; but if upon your Death or Absence out of Our said Provinces of Upper Canada and Lower Canada, or either of them, there be no Person upon the Place commissioned and appointed by Us to be Our Lieutenant Governor, or specially appointed by Us to administer the Government within Our said Provinces, Our Will and Pleasure is, that until your Return from any such Absence, or until Our further Pleasure shall be known, the senior Military Officer for the Time being in Command of Our Forces within Our said Province of Upper Canada or Our said Province of Lower Canada, as the Case may be, shall take upon him the Administration of the Government thereof,

thereof, and shall execute in Our said Provinces respectively this Our Commission and the aforesaid Instructions, and the several Powers and Authorities therein contained, in the same Manner and to all Intents and Purposes as other Our Captain General and Governor-in-Chief should or ought to do : And We do hereby give and grant unto you the said Archibald Earl of Gosford full Power and Authority, in case any Person or Persons commissioned or appointed by Us to any Office or Offices within Our said Provinces of Upper Canada or Lower Canada from which he or they may be liable to be removed by Us shall in your Opinion be unfit to continue in Our Service, to suspend such Person or Persons from his or their several Employments until Our Pleasure shall be known. In witness, &c. Witness, &c. And for so doing, this shall be your Warrant. Given at Our Court at Windsor this 13th Day of June 1835, in the Fifth Year of Our Reign.

No. 10.
Lord Glenelg
to
Lieut. Governor
Sir G. Arthur,
9th February 1838.

Enclosures.

By His Majesty's Command.

(Countersigned) GLENELG.

(G.)

My Lord,

Doctors Commons, 24th January 1838.

We are honoured with your Lordship's Commands, signified in your Letter of the 19th ultimo, transmitting certain Documents which were referred to us on the 12th of April last on the Subject of the Endowment of certain Rectories in the Province of Upper Canada ; also enclosing a Copy of the Report made by us in answer to that Reference, with Copies of a Correspondence which has since taken place on the Subject between your Lordship and the Lieutenant Governor of Upper Canada ; also enclosing a Copy of the Commission under which the Government of the Province was administered in the Month of January 1836, when the Order of the Lieutenant Governor in Council respecting those Rectories was made.

Adverting to these various Documents, and especially to the Report of the Archdeacon of Toronto, accompanying Sir F. Head's Despatch of the 18th of October, your Lordship is pleased to request that we would report our joint Opinion, whether the Addition of the material Fact now communicated to us affects the Conclusion which we adopted and reported to your Lordship on the 8th of June, and if so, that he would report the Answer which we would now give to the Questions proposed in your Lordship's Letter of the 12th of April ; viz^t,

"First. Adverting to the Terms of the Statute 31 Geo. 3. Chap. 41. Sec. 36 " and 40, and to the Terms of the Royal Commission, could the Lieutenant " Governor, with the Advice of the Executive Council, lawfully constitute and " erect or endow any Parsonage or Rectory within the Province without the " further Signification of His Majesty's Pleasure?

"Secondly. Can Lord Ripon's Despatch of the 3d of April 1832 be regarded " as signifying His Majesty's Pleasure for the Erection of Parsonages or for the " Endowment of them, or for either of those Purposes?

"Thirdly. Are the Erection and the Endowment of the Fifty-seven Rec- " tories by Sir J. Colborne valid and lawful Acts?

"Fourthly. If the preceding Questions be answered in the Affirmative, have " the Rectors of the Parishes so erected and endowed the same Ecclesiastical " Authority within their respective Limits as is vested in the Rector of a " Parish in England, or within what other Bounds is that Authority restricted?"

In obedience to your Lordship's Commands, we have the Honour to report that, adverting to the various Documents, and especially to the Instructions contained in Lord Bathurst's Despatch to Sir P. Maitland of the 22d of July 1825, referred to in the Report of the Archdeacon of York (Toronto), and also to the Terms of the Royal Commission, the whole of which is now before us, we are of opinion,—

1st. That the Lieutenant Governor, with the Advice of the Executive Council, could lawfully constitute and erect or endow any Parsonage or Rectory within the Province without the further Signification of His Majesty's Pleasure.

2d. We are of opinion, that Lord Ripon's Despatch of the 5th of April 1832 cannot be regarded as signifying His Majesty's Pleasure for the Erection

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of Parsonages, or for the Endowment of them, or for either of those Purposes.

3d. We are of opinion, that the Erection or Endowment of the Fifty-seven Rectories by Sir John Colborne are valid and lawful Acts.

4th. We are of opinion, that the Rectors of the Parishes so erected and endowed have the same Ecclesiastical Authority within their respective Limits as is vested in the Rector of a Parish in England.

We have, &c.

J. DODSON.

J. CAMPBELL.

R. M. ROLFE.

The Right Hon. Lord Glenelg,
 &c. &c. &c.

No. 11.

(No. 41.)

No. 11.
 Lieut. Governor
 Sir G. Arthur
 to
 Lord Glenelg,
 11th July 1838.
 ———

COPY of a DESPATCH from Major General Sir GEORGE ARTHUR, K.C.H.,
 Lieutenant Governor of Upper Canada, to Lord GLENELG.

My Lord,

Toronto, 11th July 1838.

I HAVE had the Honour to receive your Lordship's Despatch, No. 20., together with a further Report from the Queen's Advocate and Her Majesty's Attorney and Solicitor General, in addition to that made under the Reference of 12th April 1837, upon the Validity of the Endowment of certain Rectories in this Province which those Learned Gentlemen, upon the new Fact brought under their Notice, now affirm.

I have to inform your Lordship, that since my Arrival in this Country I have been in communication with all the principal Persons who have taken part in this Question, and, after a long Conference with the Synod in connexion with the Church of Scotland, I have addressed that Body a Letter, of which the enclosed is a Copy.

It is not, however, my Intention to defer Measures, but at the first Meeting of the Legislature I propose to cause a Bill to be introduced for re-investing the Lands reserved for the Clergy in the Crown to be applied for Religious Purposes, and I have Reason to think it will be carried by a considerable Majority.

I have, &c.

The Right Hon. Lord Glenelg,
 &c. &c. &c.

(Signed) GEO. ARTHUR.

2d July 1838.

Enclosure referred to in No. 11.

Enclosure.
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Sir,

Government House, Toronto, 2d July 1838.

I have had the Honour to receive your Letter of the 22d June, which I have laid before the Lieutenant Governor, together with your former Letter addressed to Mr. Joseph, in which you state that the Commission of the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland have appointed certain of their Members a Deputation to wait upon the Lieutenant Governor, for the Purpose of requesting such Information as it might be in his Excellency's Power to give respecting the Intentions of the Colonial Government of giving effect to the Admissions which you state have been so long and so frequently made by the Ministers of the Crown in regard to the Rights of the Church of Scotland in this Colony.

On the 11th ultimo the Lieutenant Governor afforded the Deputation the most unreserved personal Explanation; and I am now to repeat to you, that it is His Excellency's Intention to bring before the Legislature at its next Meeting the Question of the Clergy Reserves, and his Determination to use his utmost Endeavours to have it finally settled, with a due Regard to the present Condition and future Welfare of the Province, and in such a Manner as shall be most conducive to the Promotion of the best Interests of all Her Majesty's Subjects.

The Lieutenant Governor laid open for your Perusal a Copy of Sir Francis Head's Despatch, transmitting the Report of the Honourable and Venerable the Archdeacon of York, together with other Documents which had been submitted to the Law Officers of the Crown, and the Consideration of which had

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led them to form the Opinion that the Erection or Endowment of the Fifty-seven Rectories by Sir John Colborne are valid and lawful Acts.

A Copy of the Archdeacon's Report, which the Lieutenant Governor believes has already been published, will be transmitted to you in a few Days, Copy of Lord Glenelg's Despatch, with its Enclosure, being the Opinion of the Law Officers, which was read at the Interview on the 11th instant, I have the Honour now to enclose; and with reference to the several Remarks made thereupon by the Deputation I am directed to offer the following Observations:—

1st. The Deputation expressed themselves not to be convinced of the Soundness of the Opinion of the Law Officers in favour of the Legality of the Endowments.

In furtherance of the kind Disposition manifested by the Secretary of State, that if you should still feel it right to insist upon the further Investigation of this Question of Law, and should be able to state any material Fact or to suggest any important Argument which might hitherto have escaped notice, and would bring the same forward by Petition, the Lieutenant Governor will transmit the same to the Secretary of State; or, as His Excellency understood your Desire was to have a judicial Determination of the Matter, he sees no legal Objection to your instituting a Proceeding in the Court of Chancery for the Repeal of the Patents of Endowment, or in any other Manner which you may be advised to adopt in any Court in the Province in which the Question can be legally entertained; from the Decision of which Court an Appeal can be had to the Judicial Committee of Her Majesty's Privy Council, to which Allusion is made, in the Despatch of the Secretary of State for the Colonies the 9th of February 1838, No. 20.

If the Opinion of the Law Officers had been against the Legality of the Endowment, His Excellency would probably have directed such a Proceeding at the Suit of the Crown. But Her Majesty's Government now considering the Act legal the Burden of instituting the Suit is unavoidably cast upon those who wish to void the Patents.

His Excellency is, however, induced to believe that the whole Question of the Reserves will be satisfactorily settled without reference to judicial Decision.

2d. In like Manner, if it be still your Desire to have a judicial Determination (upon the Claims the Church of Scotland can legally maintain to a Participation in the Lands reserved under the 31 Geo. 3. c. 31., or to the Funds arising from them), that Question also can, upon your Petition, be submitted to the Secretary of State, with the Expression of your Wish that it should be referred to the Judicial Committee of the Privy Council.

The Lieutenant Governor hopes, from this ready Acquiescence with the implied Wish of the Deputation, that he gives the sincerest Proof in his Power of his Desire that every Justice should be done to your asserted Claim; and it ought at the same Time to satisfy you that Her Majesty's Government have been sincere in their Desire to investigate the Question of your Rights.

3d. With respect to your Apprehension, from the Establishment of the Rectories, that the Church of England will exercise some Ecclesiastical Authority, I am to repeat to you, the Lieutenant Governor's personal Observation, that, in His Excellency's Opinion, no Objection whatever can exist "to a legislative Declaration that the Establishment and Endowment of Rectories in the Province shall not be construed to confer any Right to exercise any Ecclesiastical or Spiritual Power whatever, except over the Members of the Church of England," and such a Bill will be proposed under the Authority of Her Majesty's Government.

His Excellency commands me to express his very deep Regret that this Communication has been so long delayed, but he trusts that it will yet reach you soon enough for your Purposes at the approaching Meeting of your Synod, and that you will be sensible of his great Solicitude to inform himself fully of the Nature and Extent of the Claims of all Denominations before he finally directed an Answer to be returned to your Application.

The Rev. Arthur Gale,
Moderator of the Synod of Canada.

I have, &c.
(Signed) JOHN MACAULAY.

No. 11.
Lieut. Governor
Sir G. Arthur
to
Lord Glenelg,
11th July 1838.
Enclosure.

No. 20. 9th Feb.
1838.

No. 12.
Lieut. Governor
Sir G. Arthur
to
Lord Glenelg,
22d Sept. 1838.

(No. 64.)

No. 12.

COPY of a DESPATCH from Major General Sir GEORGE ARTHUR, K.C.H.,
Lieutenant Governor of Upper Canada, to Lord GLENELG.

My Lord,

Government House, Toronto, 22d September 1838.

SINCE I had the Honour of addressing to your Lordship my Despatch of the 18th of July last, I have received from the Rev. Mr. Gale, Moderator of the Commission of Synod, a Memorial or Protest against the Endowment of Rectories in this Province, of which a Copy is herewith transmitted.

I should have communicated this Document to your Lordship at an earlier Period, had I not waited for a Copy of the Resolutions relating to Clerical Endowments which were passed at a Meeting of the Presbyterian Ministers at Montreal, and which, though I was led to expect it, has not yet reached my Hands.

Accompanying this Protest your Lordship will find a Minute of the Executive Council on that Document, embodying Sentiments in which I do not hesitate to declare my full Concurrence.

Your Lordship cannot but observe with Regret the Spirit in which the Protest of the Synod has been drawn up, and the Obstacles which it throws in the Way of a satisfactory Settlement of a Question under any Circumstances difficult to be disposed of.

I have further the Honour to enclose an Address to the Queen from the Grand Jury of the District of Bathurst, adopted a short Time since.

This Address, which is signed by some very worthy and loyal People, has for its Object to deprecate the Establishment of any dominant Church in this Province. In order to show them what the Views and Intentions of Government were on this Point, I have sent them a Copy of the Letter which I caused to be written to the Rev. Mr. Gale on the 2d of July, and which I communicated to your Lordship with my Despatch No. 41.

I regret to find that the Ferment created in the Province by the Discussion of this Matter is rather increasing than otherwise, and that I am not met by the Opponents of the Claims of the Church of England in that Temper which I sought to encourage by the Letter addressed by my Order to the Rev. Mr. Gale.

I nevertheless shall not be deterred from my Endeavours to effect an Adjustment of this most embarrassing Affair in such a Manner as to restore Tranquillity at the last, if not general Contentment.

I have, &c.

(Signed) GEORGE ARTHUR.

Enclosures in No. 12.

(No. 1.)

Enclosures.

To His Excellency Sir George Arthur, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, Major General commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

A large Portion of the People over whom your Excellency holds Rule feel they have sustained a grievous Wrong. Scotchmen and Presbyterians in Canada, with deep Grief, have long seen most important Rights,—the sacred Rights of the Church of their native Land neglected and insulted. With Feelings painful in no ordinary Degree do they now learn that Acts are proclaimed as legal which directly violate them.

The venerable Body over whom I have the Honour of presiding, participating with their Countrymen in their settled Conviction of the Injustice of these Proceedings, participating with them the painful Emotions with which they have filled them, have devolved on me the Duty of solemnly protesting before your Excellency, before Canada and the Empire, against their possible Legality or Validity.

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Permit me to assure your Excellency that it is a Duty, on the Discharge of which I enter with the most painful Feelings. At these unhappy Dissensions within the Christian World in Canada the Infidel triumphs, the Enemies of British Institutions rejoice.

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But though performing it with Heaviness of Heart, a Sense of what is owing to the Rights of the venerable Church in which I bear Office, and of the ancient Kingdom from which we have sprung, a Sense too of what is owing to the Prevalence of the immutable Principles of Justice, and, above all, a deeply impressed Conviction of the momentous Consequences to the spiritual Well-being of many coming Millions of Men of our Blood and Lineage, which the Measures now having place must in all human Probability produce, strengthen me in execution of the Charge which has been committed to me to lay before your Excellency, with the utmost Respect, and briefly, but also in full Truth and Sincerity, a Summary of the Wrongs which the Church of Scotland in Canada has sustained, and a Detail of the Ground of this our solemn Protest against recent Violations of its Rights.

It is doubtless known to your Excellency that the first transatlantic Settlers of this Colony were Scotchmen; that for many of the Years of its earliest History, Scotchmen constituted the great Mass of British Emigrants, and that, from the spreading of these and their Descendants, Scotch Presbyterians form a large Part of the Population of Upper Canada.

Your Excellency will not hesitate to believe that our Countrymen, while thus devoting their Lives and Fortunes to the Enterprise of reducing a remote and desert Dependency of the Empire to a fertile Province, rested in full Confidence that the guardian Power of the parent State would be watchfully extended over them; that they entered on their arduous and important Undertaking with hopeful and cheerful Hearts, from the Reflections that, though at a Distance from the Land of their Fathers, they were yet in Regions which the Blood and Energies of those Fathers had largely contributed to place within the Limits of the Empire, and might with perfect Security rely on being upborne in their Dangers and Difficulties by its protecting and sustaining Arm.

In these their just Expectations they have unhappily been grievously disappointed. In one most important Particular, in all that concerns their religious Rights and Privileges, Scotchmen have been in Canada as Exiles from their own Realm, as Aliens in the Land of the Stranger.

This, it has been authoritatively told us, is a Colony of the Church of England. The Church of England, we are told, is the Religion of the State, and rightfully claims the whole Countenance and Support of the Government.

A Seventh of the Lands is set apart for a Protestant Clergy. The Church of England takes possession of them and holds them. Thousands are granted every Year for the Support of Religion; they are granted to the Church of England. Government Chaplains are appointed; they are of the Church of England. Scotchmen form no undistinguished Portion of the Soldiery of the Empire; no Provision is made for the Scotch Soldiers receiving the Ministrations of their own Church, as in the Case of their Comrades from England. We remonstrated against being thus placed in subjection to the Church of the Sister Kingdom.

The Mode in which these Remonstrances have been treated has served to make us more bitterly sensible of the complete and humiliating Subjection to that Church in which it has been sought to place and hold us.

In answer to our Remonstrances, Mr. Hagerman, the then Solicitor, and immediately thereafter Attorney General, in an Harangue, which the Archdeacon of Toronto characterizes as a splendid Display of Eloquence in defence of his Church and Government, taxes us with Presumption in daring to remonstrate. "How," this legal Adviser of the Government of this Colony is reported, in his Place in the House of Assembly, to have said, "how can you possibly place yourselves in comparison with the Church of the State, or imagine yourselves any thing else, in Canada, than a merely tolerated Sect? Has the Government viewed you in any other Light? Does it recognise you as a Body Corporate? Can you, in that Capacity, hold even Half a Dozen Acres of Land? Nay, are you not tied down by degrading Disabilities? Can your Clergymen perform the Marriage Ceremony even among their own People without having to dance Attendance on the contemptible Court of Quarter Sessions? Does not every

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thing show you are meant to be, and must be, simply a dissenting Sect, existing at all in Canada but by Sufferance?"

When ourselves regarding our actual Condition, we have been compelled to acknowledge that the Picture drawn of it by the Attorney General is not unlike the Reality. With Sorrow,—for the Effects are melancholy,—with Sorrow we acknowledge the degraded Condition under which we exist. We admit that the general Bearing of the Government towards us has been adverse. Hence it is, from these untoward and discouraging Circumstances, that many, many Thousands of our Countrymen, dispersed over these extensive Regions, are pining under Deprivation of the religious Ordinances of their Father Land; that many of them, alas, from their long continued Deprivation of these Ordinances, have ceased to feel the Want, and, it is to be feared, have lapsed into a Forgetfulness of the Duties and Privileges of Religion itself.

Hence, too, arises the Difficulty experienced in procuring Clergymen of our Church from our Native Land. Our Brethren at home, though cheerfully devoting themselves to the Duties of a laborious Life, and contented with no very abundant Portion of this World's Goods, are not accustomed to occupy a humiliating Position in Society, to be slighted and regarded with Jealousy by those in authority in the Land, or placed in opposition to them. Hence it is also that the Clergy of the Scotch Church in the Canadas number so few, and that instead of Sixty we do not amount to Three Times Sixty.

But though we have ever been obliged, in Sadness of Heart, to acknowledge the humiliating and discouraging Condition in which Adherents to our national Church exist in Canada, we have ever asked ourselves, is it right, or fit, or just, that such should be our Condition? Is there really a just Cause why Scotchmen should not enjoy equal Privileges, why they should be held inferior in Canada to Englishmen, why the one sharing at least equally the Toil should not equally share the Reward?

For any such Cause we have looked in vain. We have recurred to the Records of History; we find our Country there gloriously distinguished as maintaining its Liberties and Independence entire, through many an arduous Contest. We see England first consenting to receive from us a King, and then seeking to be incorporated with us as a Nation. Neither in our previous History, or the History of the Union, nor in the Instrument of Union, can we find any thing indicating Inferiority or Subjection; on the contrary, we find ourselves placed on a perfect Equality with our Brethren of England, a Community of all Rights, Privileges, and Advantages, that may or do belong to either being guaranteed, by the Treaty of Union, to the Natives of both Kingdoms.

We have looked around; we see a flourishing Province, gained and preserved from the Enemies of the Empire by successive Contests, in which the Blood and Energies of Scotchmen were expended in no scanty Measure; reclaimed from the Wildness of Nature by Exertions in which our Countrymen have borne no small Part. We have cast our Eyes over the wide Atlantic to our native Land; we have seen our Church honoured and respected as the great sustaining Principle of whatever there is good and praiseworthy, and as contributing in no small Degree to the general Peace and Prosperity of the Empire. In all this we have seen nothing that should render us inferior in Canada; nothing that should withdraw from us the Assistance granted by Government to others; nothing that should expose us to Degradation or Insult. We have accordingly turned from Canada, and those directing the Councils of the Colony, to the Imperial Government.

We have represented to the British Parliament that Canada is a British, not an English Colony, and that we are not Colonists of England, but of the Empire of Great Britain.

We have claimed therefore, in Terms of the Treaty of Union, to have in Canada possession of a Community of all the Rights, Privileges, and Advantages enjoyed by the Colonists of our Sister Kingdom. We have claimed, consequently, to be held, as well as the Church of England, an established Church, and as such to have the Protection and Support of Government. We have claimed, as one of the established Churches of the Empire, as one of the Protestant Churches recognised by the Laws of the Empire, to share equally with the Church of England, in proportion to our Numbers, in the
Lands

Lands set apart in Canada for the Maintenance of a Protestant Clergy. In all these respects, our Claims have been fully admitted.

We had, in the first place, the Satisfaction to learn that in 1819, before any proper Representation of our Situation was laid before the Imperial Government, the Legal Advisers of the Crown had given an Opinion, in which they held our Claim to rank in Canada as one of the Churches of the Empire to be unquestionable, and the Right derived of consequence from it, to share with the Church of England in the Lands set apart for the Maintenance of a Protestant Clergy, to be perfectly valid.

In this Opinion the Committee of the House of Commons in 1828, in their Report, coincided; and in January 1832 His late most Gracious Majesty King William the Fourth, by Message, gave it the Sanction of His Royal Word in the following Terms:—When speaking of the Changes to be effected, he limited them as such “as may be carried into effect without sacrificing the joint Claims of the Established Churches of England and Scotland.”

The Waste Lands which have been set apart as a Provision for these venerable Bodies have hitherto yielded no disposable Revenue.

To pass by other Sanctions, we have the following recent Correspondence between Lord Glenelg, Principal Secretary of State for the Colonies, and Principal M^rFarlane, Convener of the Committee of the Church of Scotland, on the Churches in the Colonies.

The Committee, through Dr. M^rFarlane, thus address Lord Glenelg:—

“Edinburgh, 21 March 1837.

“The Memorialists beg leave to repeat the Assertion of a Principle, which they apprehend cannot be controverted, viz., that by the Treaty of the Union the Ministers and Members of the Church of Scotland are entitled, in every Colony settled or acquired since the Year 1706, to be on a perfect Equality in all respects with those of the Church of England, in proportion to the Number belonging respectively to each Denomination.”

To this Sir George Grey replied, on 31st May 1837,—

“His Majesty’s Government see no Reason to dissent from the general Principle asserted by the Memorialists. They are desirous of giving it the fullest practical Operation which the Means at their Disposal for this Purpose will allow.”

In addition to these Assurances, and until other Arrangements could be effected, in 1827, the annual Sum of 750*l*. from the Proceeds of Lands sold to the Canada Company was appropriated to the Aid of our Church. Meantime, the whole Question of the Manner in which the Lands set apart for the Benefit of a Protestant Clergy were to be disposed of was referred to the Decision of the Provincial Legislature. We patiently and dutifully waited for the Decision of the Question in this Mode, or, failing it, in any other in which, in the Opinion of the Government, it might be most advantageously disposed of.

Satisfied that the Principle that we had a Right to rank equally with the Church of England as an Established Church in Canada had received the fullest Sanction, we murmured not at the immediate Disabilities and Vexations under which we laboured. We reposed in Confidence on the Justice and Honour of the Imperial Government, convinced that it must be as eager as we could be to have those Disabilities and Vexations wiped away, since, this Principle having been admitted, in proportion as they were a Grievance to us, and a heavy Grievance we found them, in the same exact Proportion were they an Opprobrium to it.

In the whole Course of the Procedure there was only One Doubt which could possibly have shaded the clear Conviction established in our Minds of the ultimate Triumph of our Cause; there was only One Argument on which our Opponents could insist; only One plausible Objection which they could raise. By certain Clauses of the Act of Parliament 1791 it is declared to be lawful for the Sovereign to authorize the Governor, with the Advice of the Executive Council of the Province, to establish over the whole Province of Upper Canada Rectories of the Church of England, endowed from the Lands reserved by the same Statute for the Support of a Protestant Clergy, “the Incumbents of said Rectories to hold the same, and all Rights, Profits, and Emoluments therewith granted, as fully and amply, and in the same Manner, and on the same Terms and Conditions, and liable to the Performance of the same Duties, as the Incumbent of a Parsonage or Rectory in England.” It has

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been held by the Party desirous of giving Supremacy to the Church of England (the Party which has ever had a preponderating Influence in the Colonial Administration) that these Clauses do in effect give a real Establishment to that Church as the dominant Church of the Colony, and place the Adherents of the Church of Scotland, equally with the other Denominations, in the Class of Dissenters from the Ecclesiastical Establishment of the Country.

It has, on the contrary, ever seemed to us, and we have ever maintained, that these Clauses have no such Effect, because, in the first place, like other Clauses in the Act, they are by no means positive, but only possible and contingent, establishing nothing, but only giving the Power, under conceivable Circumstances, to make certain Establishments. It has seemed to us, that they no more establish the Church of England as a dominant Church than the Sixth, Seventh, Eighth, Ninth, Tenth Clauses establish a dominant Nobility.

The Power is, indeed, we have considered, by the Terms of the Act, granted to the Sovereign of Britain, in the Case of the Nobility, to establish a Body of titled and hereditary Legislators whenever it seems proper to the Sovereign so to do.

In like Manner, in the Case of the Church of England, the Sovereign has also, by the Terms of the Act, the Power to authorize the Governor, with the Advice of the Executive Council, to establish the Church of England as the dominant Church in every Township in the Province. But until the actual Moment of the Establishment of both, it has seemed to us that both Church and Nobility, and their Powers and Claims, must be held to be merely conceivable, and not actual Existences. We were confirmed in this View by the Tenor of the Forty-first Clause of the Act, which admits of whatever relates to Ecclesiastical Endowments being altered or repealed by Act of the Provincial Legislature, such Act having previously obtained the Royal Assent.

Secondly. The actual Establishment of the Church of England as the dominant Church of the Colony has seemed to us so inconsistent with the Spirit of the Imperial Constitution, as, unless under barely conceivable Circumstances, such as a general Conformity and Amalgamation of the Two Nations in Laws and Religion, never to be capable of having a valid Existence.

Thirdly. We conceived the Recognition of our Claims by the Imperial Government to be of itself an ample Security against any Attempt to give effect to the Provisions of the Act. We felt persuaded, that, acknowledging we held of Right the same Rank in Canada as the Church of England, it never could be the Intention of the British Government to bring our Rights into controversy with the extensive but ill-defined Claims that might be drawn from the Attempt to give a real Existence to the English Clergy, whose possible and ideal Existence seems to have been contemplated by the Framers of the Act referred to.

Besides, and in the fourth place, had we conceived that there were any Grounds for Mistrust in this Matter, we should have been completely re-assured by the Declaration of the Members of the Imperial Government, of which the Sentiments of the Right Honourable R. W. Horton, expressed before the Committee of the House of Commons in 1827, may be cited as an Instance. The Question being put, "Should you not be disposed to say that Government and the Legislature of England should be very cautious of doing any thing that could give rise to the slightest Suspicion that there was any Intention of establishing a dominant Church in that Country?" Mr. Horton in his Reply states, "That he conceives the Words Protestant Clergy to refer to the Two recognised Establishments;" and concludes by saying, "It appears to me quite conclusive that there was no Intention of necessarily establishing the Church of England as a dominant Church, inasmuch as the Forty-first Clause gives a Power to the Local Legislature, with the Consent of the Crown, of altering all the Provisions which are contained in the Thirty-sixth, Thirty-seventh, Thirty-eighth, Thirty-ninth, and Fortieth Clauses."

Finally, after taking all these Considerations into account, could any remaining Doubt have lingered on our Minds, it must have been dispelled by the Reflection that the Disposal of the Funds on which the possible Existence of a dominant Church depended, and the Adjustment of the Ecclesiastical Institutions of the Country to its Conditions and Wants, were then placed by the Imperial Government, as already stated, under the Award of the Colonial Legislature.

Legislature. We could not be supposed to imagine, that while these Questions were unsettled they should be taken out of the Hands of the appointed Arbitrators, and virtually decided in favour of one of the contending Parties.

Had we required any Considerations to add Force to our preceding Conviction, all these would have presented themselves to us; but in reality we sought nothing further than the Pledge of the Imperial Government, and in loyal and confiding Faith we rested on its reiterated Assurances, of effective Remedy being afforded us.

Thus were we waiting when the astounding Intelligence was communicated to us, and that by the Authority of the Imperial Government itself, the Standing in the Colony, on the seeming Possibility of some Day attaining which the Church of England had hitherto grounded its extravagant Pretensions, had been actually granted it; that the Clauses in the Act of 1791, empowering the Sovereign to authorize the Governor, with Consent of the Council, to establish the Rectories of the Church of England, to be held as fully and amply, and on the same Terms and Conditions, as Parsonages or Rectories in England, had been actually carried into effect, and that the Endowment had been made out of Lands the Clergy Reserves, the Allotment of which, as has been stated, had been previously assigned to the Provincial Parliament.

The Intelligence was of such a Nature that at first it seemed to us incredible; and when the Fact was known, and it was publicly declared that Rectories had really been appointed and endowed over all the Province, we felt convinced that the Measure must have been executed without sufficient Authority, and would turn out to be ineffective and null. We were confirmed in this Belief from the Despatch of Lord Glenelg to Sir Francis Head, in which he states that the Home Government knew nothing of it, and therefore could not have authorized it, and were prepared to expect the Decision which Law Officers of the Crown gave when they declared the Act neither legal nor valid.

Our Minds were, in consequence, just beginning to recover from the Surprise, the Consternation, which the extraordinary Attempt had excited, when they have been agitated afresh by the unexpected Information, now confirmed to us by your Excellency's recent Communication, that the Law Officers of the Crown have reversed their former Opinion, affirming the Establishment of Rectories, which they before held to be neither legal nor valid, to be now legal and valid, and that the Rectors of the Parishes so erected and endowed have the same Ecclesiastical Authority within their respective Limits as is vested in the Rector of a Parish in England.

Against this evident Violation of the Rights of the Church of Scotland we protest, and that on the following Grounds:—1st, the Authority on which it is asserted they rest, is said to be derived from a Despatch transmitted by Lord Bathurst, in the Reign of George the Fourth, in 1825, but the Existence of which was not known, and which was not acted on, till the Reign of William the Fourth in 1836.

To us it appears that this is an Authority, under any Circumstances, insufficient for the Purpose, a simple Letter from the Secretary of State communicating his Opinion in favour of the Measure not constituting that full Royal Sanction indicated by the Terms of the Act. But should it, nevertheless, be maintained that this is a sufficient Sanction, the Minister being to be held the Organ through whom the Royal Purpose authoritatively emanates, it must at least be granted that this Purpose can only so emanate when guarded by those Securities which are constitutionally provided for its being truly conveyed, uninfluenced by Misrepresentation of Arguments or Mis-statements of Facts.

The Securities constitutionally required for the Voice of the Minister thus validly conveying the Royal Will are his Responsibility to his Sovereign and his Country. He is responsible to the former conveying it truly and exactly; he is responsible to the latter for any thing contained therein prejudicial to the Subject, proceeding, as in such a Case is constitutionally to be presumed, from the Royal Ear having been abused by his own Mis-statements or Mis-representations. This constant Responsibility of the Minister, one of the guiding Principles of our free and enlightened Constitution, gives, it is acknowledged, great Authority to all Acts of his that have been guarded by it, but in the Case before us the Sanction which ministerial Acts thus receive is entirely wanting.

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In the first place, there is no Security that the Missive of Lord Bathurst in 1825 really contains the Will of His Majesty George the Fourth, for it is first made public and cited as Authority for the most important Changes, now, when the Monarch has for Years been laid in the Tomb; secondly, it issues without being subject to the constitutional Check of the Minister's Responsibility to this Country, for it issues long after Lord Bathurst's Retirement from Office, when he has no longer those Consequences to dread to which that Minister subjects himself who is known to have given to his Sovereign culpable Advice, or Advice that incurs the just Odium of the People.

On these Grounds, therefore, we maintain that the Despatch of Lord Bathurst in 1825 cannot in any Sense be held to convey a trustworthy or valid Expression of the Royal Will, and cannot consequently communicate that Authority which the Act requires.

Such a Course of Procedure is also, we hold, obviously at variance with the Enactments of this Statute of the 31st Geo. 3., from which it should derive its Force.

The Statute empowers "His Majesty, His Heirs and Successors, to authorize the Governor or Lieutenant Governor in Upper Canada from Time to Time, with the Advice of such Executive Council as shall have been appointed by His Majesty, His Heirs and Successors, to constitute and erect," &c. The Phraseology clearly indicates a co-existing Sovereign, Governor, and Council.

But if the Despatch of Lord Bathurst of 1825 be assumed as valid Authority for establishing the Rectories, it is assumed contrary to the evident Meaning of the Expressions of the Act that the Authority is valid, though given by one Sovereign, operated on in the Reign of another; given to One Governor, neglected and disobeyed by him, executed by a succeeding Governor; acted on, not with the Advice of Counsellors previously appointed, but with the Advice of Counsellors not in Office till long after; such a Course of Procedure, as it is evidently informal, must be held to be void. Our Objections on this Head are not merely formal; they are grounded upon a careful Examination of the obvious Intentions of the Act, and inevitably arise from a due Consideration of its Provisions. All Analogy justifies us in maintaining, that when the Laws appoint different Powers as necessary to the Execution of any Measure, they do so that these Powers may do so as Checks on each other.

That they may effectually do so, however, it is always provided that the Agency of these Powers be concurrent; so only it is obvious can their mutually restraining Influence be effectually exercised.

Not to enlarge on an admitted Principle, we may ask what irremediable Damage to British Legislation, and what interminable Confusion to its Procedure, would not be produced were it competent for the House of Lords to pass any Bill which had ever passed any preceding House of Commons, or for any Sovereign to dissent to any Bill which had ever thus slipped through both Houses.

The obviously mischievous Tendency to the Introduction of such a Mode of Procedure into the Legislature of the Empire but faintly images its Evils in this Case, for not only would it render the Provisions of the Statute nugatory in the Prevention of Error, but by removing the necessary Publicity of the earlier Stages of the Process, and the Check on Human Passions and Prejudices which Publicity furnishes, it would make these very Provisions the Instruments prompting to the Commission of Error.

It is obvious that, were it authorized, a Colonial Minister, restrained from advising certain Measures by a salutary Dread of the public Odium and personal Inconvenience likely to arise from them were they to be carried into immediate Operation, might yet be easily led to procure the Regal Authority for their being effected were he sure that this could only happen at some remote Period, when he would no longer personally have Reason to fear the Consequences. Is it to be believed that any Minister can thus indefinitely lock up the Royal Prerogative? That the Royal Will is to be sought for, not in the Breast of the living and breathing Monarch, but in the musty Folds of some old Document deposited in the Archives of the Colonial Executive Council? That from thence, to the Astonishment of the reigning Sovereign and his Ministers, the

Dismay

Dismay of the People, it is to issue for the Purpose of changing the whole Ecclesiastical Condition of the Province? Such a Supposition seems to be an Insult to Common Sense, a Libel on the well-guarded and intelligent, the open and straightforward Course of British Legislation.

Finally, we hold the Establishment of the Rectories invalid, and from the superior countervailing Force of the Articles of the Treaty of Union of the Two Kingdoms of England and Scotland.

We maintain that no Act can truly emanate from the Sovereignty of Great Britain destructive of the Principles from which the Monarch derives its Existence, and on which it rests; that the Articles of Union of the Two Kingdoms of England and Scotland, being the very Basis of the Monarchy, can in no way possibly be infringed or violated, and that, therefore, whatever pretends to violate or infringe them is to be esteemed essentially powerless and void. We maintain this Measure is thus essentially powerless and void, because it can have neither Power nor Reality but through a flagrant Violation of them.

The Articles of this Treaty, solemnly ratified by the Delegates of both Nations, ere they merged themselves into a United Kingdom, secure to the Natives of both a Community of all Rights, Privileges, and Advantages which do or may belong to either.

Canada being a Colony conquered by the Arms of both Kingdoms subsequently to their Union, every Advantage which it presents ought consequently, in virtue of these Articles, to be available alike to Scotchmen and Englishmen. In contravention of this great and fundamental Principle it is pretended that a Despatch of Lord Bathurst's gives valid Authority to the Governor and Executive Council of the Province to portion it out into Rectories of the Church of England, and to divide among the Incumbents of these Rectories the whole Provision made for the Support of a Protestant Clergy, amounting to a Seventh Part of the Lands of the Country.

Before such Authority in any Measures that may have taken place in dependence on it can have Validity, we demand that it be shown what Equality of Rights it allows between Scotchmen and Englishmen when it pretends to have Power not to leave the former a Spot to put his Foot on where he shall not be subject to a Rector of the Church of the latter, having, according to the Opinion of the Law Officers of the Crown, "the same Ecclesiastical Authority as is vested in the Rector of a Parish in England."

We demand that it be shown what Equality of Advantage it would permit to Englishmen and Scotchmen when it would bestow One Seventh of the Colony on the Church of the former, and would not leave a single Acre for the Church of the latter.

Until this be shown, we utterly deny the possible Validity of the Authority. We solemnly protest against any Proceedings that may have taken place in reliance on it, and hold them ineffective and null, as being a direct Opposition to the fundamental Laws of the Monarchy.

To all which I respectfully crave your Excellency's Attention, in Name and by Appointment of the Commission of the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland.

(Signed) ALEXANDER GALE, Moderator.

Hamilton, 18th July 1838.

(No. 2.)

Executive Council Chamber at Toronto, Thursday, 9th August 1838.

PRESENT:

The Honourable Robert Baldwin Sullivan, Presiding Councillor.

The Honourable William Allan.

The Honourable Augustus Baldwin.

The Honourable John Elmsley.

The Honourable William Henry Draper.

To His Excellency Sir George Arthur, K.C.H., Lieutenant Governor of the Province of Upper Canada, and Major General commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

The Council have attentively perused the Memorial or Protest of the Rev. Mr. Gale, transmitted by him, as Moderator, "in Name and by Appointment of

(48.)

No. 12.
Lieut. Governor
Sir G. Arthur
to
Lord Glenelg.
22d Sept. 1838.
Enclosures.

No. 12.
Lieut. Governor
Sir G. Arthur
to
Lord Glenelg,
22d Sept. 1838.
Enclosures.

of the Commission of the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland," to your Excellency.

They have noticed with mingled Surprise and Regret the Tone of this Document, and the Spirit in which the Reverend Moderator has felt it necessary to urge the Claims of the Members of the Established Church of Scotland resident in this Province upon Her Majesty's Government.

The Council are sorry to observe the reference made to an alleged Speech of the Attorney General as a Member of the House of Assembly. After the full Explanation which has been given by that Officer with respect to it they can only suppose that this Explanation has never come under the Observation of the Reverend Moderator, or he would not have reiterated as genuine the Report of a Speech the Authenticity of which now rests on the sole Authority of a fugitive Traitor, and so far from desiring to exclude the Church of Scotland from participating in the Reserves the Journals of the House of Assembly prove the Readiness of the Attorney General to place it in the Power of the Crown to meet every Claim that Church has advanced, in such Manner as the Sovereign might deem just and expedient.

But whatever may have been the Views of the Attorney General the Council think it right to observe that there is no possible Ground on which they are to be looked on as the Opinions of the Imperial or Local Government on this Question, or as expressing the Sentiments of either.

The express Invitation on the Part of His late Majesty to the House of Assembly, "to consider how the Powers given to the Provincial Legislature by the Constitutional Act, to vary or repeal this Part of its Provisions, can be called into exercise most advantageously for the spiritual and temporal Interests of His Majesty's faithful Subjects in this Province," coupled with Lord Glenelg's Despatch of the 15th December 1835 to Sir F. B. Head shows clearly the Desire of His late Majesty that the Opinion of the Colonial Legislature should be fully expressed on this important Subject; and that as regarded the Government, it was in every Sense of the Word an open Question, on which all the Members, whether holding Office or not, had the Right of freely advocating their own Views; in so doing, however, no one could in the slightest Degree be considered as uttering the Sentiments of the Government.

But the Council still more regret that in the Assertion of the Claims of the Church of Scotland Topics should have been adverted to replete with perilous Recrimination, and calculated to revive those Feelings of Hostility which, Centuries ago, existed between the Natives of North and South Britain. The Council cannot understand for what good Purpose such Allusions are made, or what Connexion with the Subject is to be found in the following Passage: "We see England first consenting to receive from us a King, and then seeking to be incorporated with us as a Nation."

The Council cannot pass over this Passage, and others of a similar Character, without declaring it as their Conviction that their Utterance is uncalled for by the Occasion, and distasteful to the Scottish Inhabitants of Upper Canada. They do not believe that Scotchmen, whether Episcopalians, Catholics, or Presbyterians, whether Members of or dissenting from the Established Church of Scotland, desire that the Ashes of Wars, long since past and almost forgotten, or remembered only to be deplored, should be raked up in order to discover if there be yet a Spark remaining which may seem to rekindle Strife and Animosity between them and their Brethren of the United Kingdom.

The Council abstain from any Examination of the Arguments contained in this Protest, as more properly falling within the Province of the Legislature; and notwithstanding the Difficulties which have hitherto presented themselves on a satisfactory Adjustment of the Question, and though the Agitation its present State has created is "a great Evil, it is not such as to exclude every Hope of Mitigation by the natural Progress of Discussion, and by the Influence of that Spirit which in public Affairs not seldom suggests to Parties alike solicitous for the general Good some mutual Surrender of extreme Views, and some Compromise on either Side of Difference, which at first Sight might have appeared irreconcilable."

All which is respectfully submitted.

(Signed) R. B. SULLIVAN, P.C.

(No. 3.)

To the Queen's Most Excellent Majesty,

May it please Your Majesty,

We, Your Majesty's most dutiful, loyal, and devoted Subjects, the undersigned Magistrates and others composing the Grand Inquest for the District of Bathurst in Your Majesty's Province of Upper Canada for Your Majesty's Court of King's Bench, beg to approach Your Majesty with the most profound Respect for Your Majesty's Royal Person, and our devoted and zealous Attachment to that glorious Constitution which has placed Your Majesty and Your Majesty's illustrious Forefathers on the Throne of One of the most powerful and most enlightened Empires in the World. Whilst we unite our Voices of Congratulation with every Corner of Your Majesty's vast Dominions on Your Majesty's Accession to be enthroned in the Hearts of Your People, we have to lament that these Provinces, which, in point of Extent and intrinsic Value, form no inconsiderable Portion of the British Empire, should have been an Exception to that loud Burst of joyful Acclamation which hailed the Commencement of Your Majesty's Reign, by a Rebellion the most uncalled for and contemptible that ever disgraced any Country; yet we rejoice to think that Your Majesty's loyal Subjects, even without the Aid of almost any Military Force, have proven their sincere Attachment to Your Majesty and the unrivalled Laws of their Country, by crushing that foul and unnatural Rebellion to the Dust.

Yet, whilst we rejoice that a Traitor dare not raise his Voice in our Land, it is with extreme Sorrow that we learn that an Attempt is about to be made to wound the Feelings, and, we dread, to alienate the Affections of a great Proportion of Your Majesty's truly loyal Subjects, by Encroachment on their most sacred Liberty—the Liberty of Conscience, by attempting to establish the Church of England, with the same dominant Powers as it possesses in England, in this Province.

Far be it from us to undervalue that Church at the Altar of which our beloved Sovereign bows, and to the Doctrine and Discipline of which several of ourselves firmly adhere, nor do we, in this our humble Address to Your Majesty, mean to advocate any particular Claim that it or the Church of Scotland has to any special Endowments of Lands, or other public Grants or Emoluments; but we beg most sincerely to assure Your Majesty, that, in our Opinion, it would be the most unwise and impolitic Scheme that Your Majesty's Advisers could possibly devise for the Peace of this Province, to attempt to establish any Church with dominant Powers within it.

It would be easy to show to Your Majesty the real Proportion which the Members of the Church of England bear to the rest of the Population, and which, we are convinced, would at once satisfy Your Majesty, that she has not a Shade of a Claim, in point of Numbers, to any Supremacy; but we trust that this will not be necessary, and that Your Majesty will be graciously pleased to take such Steps as will allay the Fears of your loyal and dutiful Subjects, and completely prevent any true Cause of Envy or Jealousy amongst them.

(Signed)

James Wylie, Foreman.

J. M'Kay, J. P.

Simon Fraser, J. P.

Donald Fraser, J. P.

Dan. O'Connor, J. P.

Josias Tayler, J. P.

John Ferguson, J. P.

John Haggart, G. J.

Arch. M'Nab of M'Nab, J. P.

John M'Intyre, J. P.

Daniel Fisher, J. P.

Wm. Thomson, G. J.

Anthony Leslie, J. P.

J. M'Naughtan, J. P.

Geo. Buchanan, J. P.

Henry Glass, J. P.

Matthew Leach, J. P.

Joshua Adams, J. P.

No. 12.
Lieut. Governor
Sir G. Arthur
to
Lord Glenelg,
22d Sept. 1838.

Enclosures.

No. 13.

No. 13.
 Lord Glenelg
 to
 Lieut. Governor
 Sir G. Arthur,
 24th Oct. 1838.

(No. 157.)

COPY of a DESPATCH from Lord GLENELG to Major General Sir G. ARTHUR, K. C. H.,
 Lieutenant Governor of Upper Canada.

Sir,

Downing Street, 24th October 1838.

I HAVE received your Despatch, No. 64., of the 22d September, transmitting the Copy of a Memorial addressed to you by the Reverend Alexander Gale, as Moderator of the Commission of the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland, together with a Minute of the Executive Council on this Document.

Having in former Communications fully expressed the Views of Her Majesty's Government on the Points to which this Memorial refers, I have only to convey to you my Approval of your Determination, in accordance with those Views, to endeavour to effect such an Adjustment of the Question as may be calculated to meet the reasonable Wishes of the several Denominations of Christians in Upper Canada, and to express my Hope that your Efforts will be attended with a successful Result.

I have had the Honour to lay at the Foot of the Throne the Address to the Queen from the Grand Jury of the District of Bathurst, transmitted in your Despatch, and Her Majesty was pleased to receive the same very graciously.

I have, &c.

(Signed) GLENELG.

CANADA.

COPIES or EXTRACTS of the CORRESPONDENCE between the LIEUTENANT-GOVERNOR of UPPER CANADA and the SECRETARY of STATE, on the Subject of the Creation of RECTORIES in that Province by Sir JOHN COLBORNE.

(*Mr. Labouchere.*)

*Ordered, by The House of Commons, to be Printed,
27 March 1839.*

CANADA.
(CLERGY RESERVES).

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 29 July 1839 ;—for,

- 1.—COPIES or EXTRACTS of DESPATCHES from the SECRETARY OF STATE for the COLONIES and Sir GEORGE ARTHUR, relative to the CLERGY RESERVES in *Upper Canada*.
- 2.—ACCOUNT of the CLERGY RESERVES sold in *Upper* and *Lower Canada* from the Year 1827, and the Application thereof.
- 3.—ACCOUNT of the Total Amount of the Proceeds of the CLERGY RESERVES sold in *Upper* and *Lower Canada*, and at present invested in the Three per Cent. Consolidated Annuities.

Colonial Office, Downing-street, }
15 & 26 August 1839. }

H. LABOUCHERE.

(Mr. Pakington.)

Ordered, by The House of Commons, to be Printed,
15 August 1839.

[Price 8d.]

SCHEDULE.

No. 1.

Copies or Extracts of Despatches from the Secretary of State for the Colonial Department and Sir George Arthur, relative to the Clergy Reserves in Upper Canada :

- No. 1.—Copy of a Despatch from Lord Glenelg to Lieutenant-Governor Sir G. Arthur, K. C. H., dated Downing-street, 26 December 1837 - - - - p. 3
- No. 2.—Extract of a Despatch from Lieutenant-Governor Sir G. Arthur, K. C. H., to Lord Glenelg, dated Toronto, 11 July 1838 - - - - p. 5
- No. 3.—Copy of a Despatch from Lieutenant-Governor Sir G. Arthur, K. C. H., to Lord Glenelg, dated Toronto, 28 November 1838; (two Enclosures) - - p. 5
- No. 4.—Copy of a Despatch from Lord Glenelg to Lieutenant-Governor Sir G. Arthur, K. C. H., dated Downing-street, 15 November 1838 - - - - p. 7
- No. 5.—Extract of a Despatch from Lieutenant-Governor Sir G. Arthur, K. C. H., to the Marquis of Normanby, dated Toronto, 12 April 1839; (five Enclosures) p. 7
- No. 6.—Copy of a Despatch from Lieutenant-Governor Sir G. Arthur, K. C. H., to the Marquis of Normanby, dated Toronto, 14 May 1839; (five Enclosures) - p. 18
- No. 7.—Copy of a Despatch from Lieutenant-Governor Sir G. Arthur, K. C. H., to the Marquis of Normanby, dated Toronto, 8 June 1839; (eight Enclosures) - p. 26
- No. 8.—Copy of a Despatch from the Marquis of Normanby to Lieutenant-Governor Sir G. Arthur, K. C. H., dated Downing-street, 26 June 1839 - - - - p. 40
- No. 9.—Copy of a Despatch from Lieutenant-Governor Sir G. Arthur, K. C. H., to the Marquis of Normanby, dated Toronto, 27 July 1839; (one Enclosure) - p. 41

No. 2.

Account of the Clergy Reserves sold in Upper and Lower Canada from the year 1827, and the Application thereof:

- No. 10.—Copy of a Despatch from Lieutenant-Governor Sir G. Arthur, K. C. H., to Lord Glenelg, dated Toronto, 21 September 1838; with Returns relative to the Sale of Clergy Reserves in Upper Canada since 1827, &c.; (four Enclosures) p. 42
- No. 11.—Return showing the Amount of the Clergy Reserves sold in Lower Canada since 1827, &c. - - - - - p. 52

No. 3.

An Account of the Total Amount of the Proceeds of the Clergy Reserves sold in Upper and Lower Canada, and at present invested in the Three per Cent. Consolidated Annuities :

- No. 12.—Account of the Proceeds of the Clergy Reserves sold in Upper and Lower Canada, invested in the Three per Cent. Consols - - - - - p. 53
- No. 13.—Copy of a Despatch from Viscount Goderich to Sir John Colborne, dated Downing-street, 2 April 1831; (one Enclosure) - - - - - p. 53

UPPER CANADA.

No. 1.

COPIES OF EXTRACTS OF DESPATCHES from the SECRETARY OF STATE for the COLONIAL DEPARTMENT and Sir G. ARTHUR, K.C.H., relative to the CLERGY RESERVES in *Upper Canada*.

— No. 1. —

(No. 4.)

COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor Sir *George Arthur*, K.C.H., dated Downing-street, 26 December 1837.

Sir,

AMONGST the questions to which your attention will be called upon your arrival in Upper Canada, one of the most important is that which relates to the provision for the maintenance and diffusion of Christian knowledge throughout the increasing population of the province.

This subject has recently engaged much of the public attention in Upper Canada, with reference to the recent beneficial appropriation of the lands set apart by the Act of 1791 for religious purposes, and known by the name of Clergy Reserves. It could scarcely be expected that the discussion of this question could fail to produce considerable controversy and excitement, or that its settlement could be accomplished without serious difficulty. I entertain, however, a confident hope that some plan may at an early period be agreed to, by which the difficulties which have hitherto opposed a satisfactory adjustment of the conflicting claims of various religious denominations may be removed, and an adequate provision be made for meeting, on comprehensive principles, the religious wants of the great body of the inhabitants.

I regret that the agitated question of the endowment of 57 rectories in the commencement of the year 1836 has introduced a new element of dissension. The correspondence which has taken place between Her Majesty's Government and your predecessor on this subject will place you fully in possession of the facts of this case. How far the view originally taken of that subject by the law officers of the Crown may be altered when they shall have maturely considered the explanations which have recently, for the first time, reached me, as to the grounds on which the Lieutenant-governor and Executive Council really proceeded, I am at present unable to state. In the meantime, however, before I can receive their Report, I think it right to acquaint you with the view which I at present entertain of the course which it may be desirable to pursue with reference to this subject.

The House of Assembly of Upper Canada, as appears from their Journals of the 9th February 1837, adopted a series of resolutions relative to these endowments, of which the sixth declared, "That this House regards as inviolable the rights acquired under the patents by which rectories have been endowed, and cannot therefore either invite or sanction any interference with the rights thus established." On the part of Her Majesty's Executive Government, I cannot hesitate to avow our entire adoption of the principle by which this resolution was dictated. Although the endowments of the rectories in the year 1836 did not take place with the previous concurrence or knowledge of the present Ministers of the Crown, yet, as they appear to have been made at least under a presumed authority from the Secretary of State, and as considerable time has now elapsed since the parties were put in possession of the lands, I should much regret to be compelled to disturb that settlement, or to dispossess the

No. 1.

Lord Glenelg to
Sir G. Arthur,
26 Dec. 1837.

No. 1.
Lord Glenelg to
Sir G. Arthur,
26 Dec. 1837.

clergy of the Church of England of the lands which have been assigned for their maintenance.

Should the legal right now appear to the law officers of the Crown to be indefeasible, no practical question will of course remain for the decision of the Government; but, even on the contrary supposition, I feel that, with the concurrence of the Local Legislature, the endowments which have actually been made might be ratified in connexion with some general scheme for the future appropriation of the clergy reserves which would satisfy the reasonable claims of other denominations of Christians. As a basis of such a settlement I would propose that, under the peculiar circumstances of the case, the right of the Church of England to the endowments of January 1836 should be acknowledged and ratified. I would further suggest that this measure should be accompanied by a legislative declaration that the establishment and endowment of rectories in the province shall not be construed to confer any right to exercise any ecclesiastical or spiritual power whatever, "except over the members of the Church of England." I quote these words from the resolutions of the Assembly of the 9th of February 1837, to which I have already referred. That House, indeed, proposes that this declaration should proceed, not from the Local Legislature, but from Parliament. But I conceive that, if the arrangement I suggest should meet with general acceptance, there will be no difficulty in obtaining an Act of General Assembly for the purpose, and that the interference of Parliament in the internal affairs of the province may thus be avoided.

In the next place, I have to refer you to my Despatch to Sir F. Head, of the 7th of September, No. 231, in which, and in the enclosures accompanying it, will be found an explanation of the system established on my advice by his late Majesty, for providing for the religious instruction of the inhabitants of the Australian Colonies. I do not here enter into the details of that measure, with which you are already familiar, but I confine myself to the statement that the general principle of it is, that the contributions of the State towards the support of the different Christian communions should be regulated by the extent of the voluntary efforts which the members of each should make for the promotion of the same general end. Of the success of that plan in New South Wales I have the most satisfactory proofs. The result in that colony, even during the short period which has elapsed since the provisions of this measure have been in operation, has been greatly to increase the spontaneous exertions of the various denominations of Christians, the number of ministers, and the means applicable to the general diffusion of Christian instruction. If the clergy reserves of Upper Canada should be converted into a fund subject to a similar appropriation, I perceive no reason to doubt of a corresponding result. If, by the adoption of this scheme, with any modifications which the knowledge possessed by the Local Legislature of the circumstances of the province, and the comparative numbers of the religious denominations existing in it, may suggest, concord and a mutual good understanding could be restored amongst the different Christian societies existing in Upper Canada, an object of the highest importance would be attained. We should have closed a controversy hostile to the general peace of Her Majesty's subjects inhabiting that part of her dominions, and should have brought to an end a debate painful to every one who is justly alive to the interests of the Christian faith, which we all acknowledge and profess under various forms of ecclesiastical government.

You are therefore authorized to convey these or any other suggestions which you consider better adapted to effect the object in view, to the Legislative Council and House of Assembly, in whatever manner may be most consistent with constitutional forms, and with a careful respect for their rights and privileges; and I earnestly hope that they will cordially co-operate with Her Majesty's Government and with yourself, in the adoption of such measures, with reference to this important subject, as will most effectually conduce to the advancement of the best interests of all classes of Her Majesty's subjects in the province.

I have, &c.
(signed) *Glenelg.*

THE CLERGY RESERVES IN UPPER CANADA.

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-- No. 2. --

EXTRACT of a DESPATCH from Lieutenant-Governor Sir *G. Arthur*, K.C.H., to
Lord *Glenelg*, dated Toronto, 11 July 1838.

At the first meeting of the Legislature I propose to cause a Bill to be introduced for re-investing the lands reserved for the clergy in the Crown, to be applied for religious purposes, and I have reason to think it will be carried by a considerable majority.

No. 2.

Sir G. Arthur to
Lord Glenelg,
11 July 1838.

— No. 3. —

(No. 95.)

COPY of a DESPATCH from Lieutenant-Governor Sir *G. Arthur*, K.C.H., to
Lord *Glenelg*, dated Toronto, 28 November 1838.

My Lord,

At the request of the Bishop of Montreal, and the clergy of the Church of England in this province, I have the honour to transmit herewith an address to your Lordship from that body, adopted at their recent visitation held in this city, in which they express their sentiments respecting the appropriation of the clergy reserves, and pray for a judicial decision of that question,—the present fruitful cause of agitation in this country.

An address of similar import they have presented to me, of my answer to which I beg to enclose your Lordship a copy.

The bishop and clergy presented to me, at the same time, an address of congratulation on my assuming the government of this province; a copy of which, and my reply to it, I have also the honour to enclose.

I have, &c.
(signed) *Geo. Arthur*.

No. 3.

Sir G. Arthur to
Lord Glenelg,
28 Nov. 1838.

First Enclosure in No. 3.

To the Right honourable Lord *Glenelg*, Her Majesty's Principal Secretary of State for the Colonies, &c. &c. &c.

May it please your Lordship,

WE, the Clergy of the Established Church of Upper Canada at this time assembled, under the authority of the Lord Bishop of the Diocese, beg leave to present this our Memorial to your Lordship touching a question of the most vital interest to your Memorialists, and deeply affecting the inhabitants of the province at large.

Enclosure No. 1.

Your Memorialists beg to represent, that by the Act of 31 Geo. 3, c. 31, one-seventh of the lands of this province has been set apart for the support of the Protestant Clergy therein.

That your Memorialists, after a careful and patient investigation of all the arguments which have been advanced on the subject of this reservation, remain not only unchanged, but more confirmed in the opinion that the clergy reserves were by that Act designed solely and exclusively for the Church of England.

That your Memorialists, from a careful examination of that Act, and of every authority which can be brought to illustrate it, can arrive at no other conviction than that the power delegated therein to the Provincial Legislature, to "vary or repeal" its provisions, has no application to the reservations of land which have already been made, but can be construed merely into a permission to vary the amount of appropriation, or regulate and restrain it for the future.

That whereas doubts have been raised as to the legality of the exclusive claim of your Memorialists to the clergy reserves, they have uniformly expressed a willingness to submit the question to a judicial tribunal competent to pronounce a decision, and respectfully to yield to the judgment which in such case should be awarded.

That against any proposal for the settlement of this question which should go to alienate the clergy reserves from the original object of their appropriation,—the religious instruction of the people of this province,—your Memorialists feel bound by a most solemn sense of duty to record their decided protest.

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That,

No. 3.
Sir G. Arthur to
Lord Glenelg,
28 Nov. 1838.

Enclosure No. 1.

That, with a view to the settlement of this question, any plan for the division of this property amongst various sects and denominations, which would directly compromise the principles as well as interests of the Established Church, endanger the cause of Protestantism, and lead to a religious discord, which must prove the fruitful and permanent source of civil disunion, your Memorialists are constrained from an equal sense of duty to oppose.

That your Memorialists feel bound to express it as their decided conviction, that the agitation which has ensued from the discussion of this question, and the excitement of which it has been rendered the instrument, are not to be ascribed to the simple merits of the question itself, but to the misrepresentations and abuse of the public mind, which, in many cases, for interested and unhallowed purposes, have been industriously made.

That although, in the opinion of your Memorialists, the operation of the Act for the appropriation of the clergy reserves, as understood by themselves, could not possibly prove a grievance, but a blessing of the highest order to the community, they do not view without pain and anxiety the political disquiet and religious animosity to which the agitation of this question has unhappily given rise, and that they are most desirous of its adjustment upon some basis which may ensure the peace as well as preserve the religious interests of the country.

That, from the influence of conflicting prejudices and interests, your Memorialists are firmly of opinion that an impartial, equitable and satisfactory adjustment of the question of the clergy reserves cannot be expected from the Provincial Legislature.

That your Memorialists, not deeming themselves competent to make any concession which may compromise or appear to compromise in any degree the interests of the Church and their successors in the ministry, earnestly pray, for the sake of peace, a judicial decision of the question before a competent tribunal, either the Judges of England or the judicial branch of Her Majesty's most Honourable Privy Council; or should this their honest prayer be found after every effort unavailing, that then an Act be passed by the Provincial Legislature, reinvesting the clergy reserves in the Queen in Parliament, to be appropriated for the support of a Protestant clergy in this province, according to the spirit and intention of the Constitutional Act.

Wherefore your Memorialists most earnestly solicit your Lordship to interpose the influence of your high station in behalf of this their prayer.

That the Divine wisdom and blessing may direct the consultations of your Lordship to the glory of God and to the good of his people, is the fervent prayer of the clergy of Upper Canada.

In the name and on behalf of the Clergy,

(signed)

G. Montreal.

George O'Kill Stuart, LL. D.

Archdeacon of Kingston.

John Strachan, D. D., LL. D.,

Archdeacon of York.

Toronto, Upper Canada,
11 October 1838.

Second Enclosure in No. 3.

To the Reverend the Clergy of the Established Church of *England*, in Visitation assembled, under the authority of the Lord Bishop of the Diocese of *Montreal*.

Enclosure No. 2.

I HAVE perused with deep attention the Memorial wherein you bring under my consideration the question of the clergy reserves, praying that they may not be alienated from the original object of their appropriation, but that they may be preserved to the exclusive benefit of the Established Church of England in Upper Canada.

It is my intention to bring before the Legislature, at its next session, a Bill, reinvesting these reserves in the Crown, as a primary measure, and in discussing with them the Church question generally, to devise such remedies as may prove the means of effecting an equitable and a satisfactory adjustment of the claims both of yourselves and others.

Believe me, that I feel the most lively interest in this matter; and that it is, and long has been, my earnest desire to reconcile the differences to which the agitation of the question forming the subject of your Memorial has given rise.

The present unsettled state of the province is a serious impediment to the calm and dispassionate consideration of points affecting the interests of the Church; but I look with confidence to the eventual establishment of order, and to the return of confidence and security.

(signed) *George Arthur.*

— No. 4.—

(No. 198.)

COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor Sir *G. Arthur*, K.C.H., dated Downing-street, 15 November 1838.

Sir,

I HAVE the honour to acknowledge the receipt of your Despatch of the 28th November last, No. 95, transmitting an address to me from the Bishop of Montreal and clergy of the Church of England in Upper Canada, praying for a judicial decision of the question respecting the clergy reserves, either before the Judges of England, or before the Judicial Committee of Her Majesty's Privy Council.

In reply I have to inform you, that as Her Majesty's Government see no reason to doubt the correctness of the opinion delivered on this subject in 1819 by the law officers of the Crown, they do not consider it necessary to originate any proceedings on the subject before the Judges of England or the Privy Council.

I have, &c.

(signed) *Glenelg*.

No. 4.
Lord Glenelg to
Sir G. Arthur,
15 Nov. 1838.

— No. 5.—

EXTRACT of a DESPATCH from Lieutenant-Governor Sir *G. Arthur*, K.C.H., to the Marquis of *Normanby*, dated Toronto, 12 April 1839.

THE present state of the clergy reserve question, and the opinions entertained thereon by different parties, will be best explained to your Lordship by the following recapitulative statement.

The House, having received the Report of the Committee, to whom was referred that part of the Speech from the Throne bearing on the subject, rejected, after much discussion, the measure of relief which the Committee had suggested.

The Report of a Select Committee to whom had been referred the Report of a Committee of the whole House, into which the House had resolved itself, in regard to the future appropriation of the clergy reserves, next came under discussion, and was finally superseded by resolutions for dividing the reserves among the three Protestant denominations of—

The Church of England,
The Church of Scotland,
The Wesleyan Methodist Church in connexion with the
English Conference.

These resolutions, passed yesterday, were referred, to be reported on, to a Select Committee composed entirely of members of the Church of England; the object of such selection being probably to ascertain what suggestions would emanate from that party if left to itself.

Independent of these general measures of the House on this subject, two Bills in connexion with it have been introduced in the Assembly by individual Members; one of them, by Mr. Boulton, being to declare the powers of rectors, and to provide for their removal in certain cases; and the other, by Mr. Prince, being to reinvest in Her Majesty the lands set apart for a Protestant clergy.

The former of these Bills has been read twice, and been in Committee of the whole House, who have reported progress, and obtained leave to sit again; the latter has not yet gone beyond its first reading.

Copies of all these documents are herewith transmitted for your Lordship's information.

From such conflicting testimonies it is of course impossible to form any decided opinion as to what will be the eventual result of the proceedings in this matter.

No. 5.
Sir G. Arthur to
the Marquis of
Normanby,
12 April 1839.

5.

No. 5.

Sir G. Arthur to
the Marquis of
Normanby,
12 April 1839.

Enclosure No. 1.

First Enclosure in No. 5.

REPORT of the Committee of the House of Assembly of Upper Canada on the
Clergy Reserves.

To the Honourable the Commons House of Assembly in Provincial Parliament
assembled.

The Committee, to whom was referred that part of his Excellency's opening Speech which related to the Clergy Reserves, beg leave to make the following Report:—

THAT, deeply impressed with the importance of the subject, and anxious, if possible, to suggest some measure which might be acceptable to the community, keep in view the spirit of the object for which the reserves were set apart, and avoid the excitement of any feelings on this most difficult topic, your Committee determined to commence and prosecute their labours with calm and impartial feelings.

Their first object was to fix on some leading principles as the basis of the plan they might recommend to your honourable House, the adoption of which would tend to reduce the question to one of mere detail; and the following subjects were carefully considered:—

First.—The propriety of carrying into full operation the system commenced under the authority of the Imperial Parliament; viz. selling all the clergy reserves.

Second.—The funds in which the proceeds of all sales should be invested.

Third.—The purposes to which the sums so raised should be devoted, and whether the principal monies or the annual interest only should be appropriated.

Fourth.—The mode by which such appropriation should be carried into effect.

Your Committee, on the first of these points, came to a determination to recommend to your honourable House that all the clergy reserves should be sold. Among other arguments which weighed with your Committee in arriving at this conclusion, it may suffice to mention, that there appeared no other certain mode of obtaining an immediate income to any considerable amount from these lands.

In considering the next question, your Committee, while they would advise the investment of the proceeds of all sales of the reserves in provincial funds, feel it their duty strongly to press on your honourable House that the interest should be so safely secured that hereafter no difficulty may be experienced in its collection. At the same time, it was their desire that the proceeds should be loaned to the province, so as to be of immediate service for its internal improvement; and, with a view of combining these two objects, your Committee have resolved to recommend to your honourable House that the monies accruing from such sales shall be immediately invested in provincial debentures bearing an interest of six per cent. per annum, and shall (if only the interest be appropriated) be expended in making and improving the public highways throughout the province; the interest to be secured by tolls on such roads, by a tax on the districts wherein the money shall be laid out, and by any other mode which your honourable House shall see fit to adopt.

The third and most important subject of deliberation with your Committee was, to what purposes the proceeds of these sales should be applied, and whether the appropriation should be confined to the interest or extend also to the principal money.

Your Committee have felt themselves bound, by every consideration of the future welfare of this province, to urge on your honourable House that the proceeds of these lands should be exclusively appropriated to religious purposes, and they have selected three objects to which they think the expenditure may be properly made applicable:—

First.—The maintenance of public worship.

Second.—The erection of churches and chapels.

Third.—The education of individuals for the office of the ministry.

Considering also that these invaluable benefits should be secured not only to the present but to future generations, your Committee submit, that only the annual interest should be thus expended.

Your Committee have not found it, in their judgment, advisable to offer any plan of distribution of the interest of the sales which would be complete in all its details, but have thought it more advisable to leave them unsettled to a certain extent, so as to leave to the Executive Government a power to provide for any changes from time to time in the circumstances of different religious bodies in the community. They have, therefore, resolved to recommend to your honourable House that the Lieutenant-Governor in council should be empowered to appropriate such interest in the following manner:—

First.—Not more than one-fourth to the Church of England.

Second.—Not more than one-fourth to the Church of Scotland.

Third.—The residue among such bodies of Christians as he shall think fit, in order to promote to the uttermost the “diffusion of religion and true piety throughout the province.”

In order to carry out the recommendation of your Committee, independently of the general sanction of the home Government, the direct assistance of the Imperial Parliament will be necessary to authorize the transfer of the proceeds of clergy reserves already sold from the British funds into provincial securities.

Your

THE CLERGY RESERVES IN UPPER CANADA.

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Your Committee have prepared a series of resolutions in accordance with this Report, which they respectfully offer for the adoption of your honourable House.

Your Committee are well aware that no plan can be brought for the settlement of this interesting question to which objections will not be found and urged, or which can be made palatable to those who will not abate one jot of their own opinions, and still less to such as desire to prolong the contention to which this subject has unhappily given rise. Your Committee have, on their part, earnestly endeavoured to suggest a scheme which will tend to allay any present irritation, and will form the basis of an ultimate and satisfactory solution of all the difficulties which have either arisen from or been increased by the long delay of legislation on the subject.

All which is respectfully submitted.

Committee Room, House of Assembly,
18 March 1839.

Wm. H. Draper, Chairman.

No. 5.
Sir G. Arthur to
the Marquis of
Normanby,
12 April 1839.
Enclosure No. 1.

1. Resolved, That the lands set apart from time to time as reserves for the support and maintenance of a Protestant clergy be sold in the same manner as other Crown lands in this province.

2. Resolved, That the proceeds of past and future sales of any such lands be loaned to the province at an interest of six per cent. per annum, to be invested in debentures, which may be authorized by the Legislature for the making and improving the Queen's public highways throughout this province; the interest on such debentures to be secured by tolls on such highways, by a tax on the districts within which the outlay shall take place, and by such other means as the Legislature may deem fitting and proper.

3. Resolved, That the annual interest arising from such debentures be appropriated and divided, under the authority and direction of the Lieutenant-Governor in council, in manner following:—

Not more than one-fourth to the Church of England.

Not more than one-fourth to the Church of Scotland.

The residue to such other religious denominations as the Lieutenant-Governor in council shall see fit, to be by them expended for the following purposes:—

The maintenance of public worship.

The erection of churches or chapels.

The education of persons for the ministry.

4. Resolved, That accounts of the expenditure of all sums granted, duly verified, shall be, when required, rendered by the Churches or bodies of Christians receiving the same, and that the Lieutenant-Governor be authorized to withhold further aid from any church or body of Christians until previous grants have been duly accounted for.

5. Resolved, That annual accounts of the receipt and expenditure be laid before each branch of the Legislature.

6. Resolved, That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to recommend to the Imperial Parliament the passing such enactments as may be necessary for carrying the foregoing resolutions into full effect.

Resolved, That the resolutions this day adopted upon the subject of the clergy reserves be referred to a Select Committee, with liberty to report by Bill or otherwise; and that said Committee consist of Messrs. Attorney-general, Solicitor-general, Prince, Sherwood, and Gowan.

Resolved, That there be reserved or purchased in each and every township in the province one or more lots of land of 100 acres each for a glebe or residence for ministers of the Churches of England and Scotland, to be granted or conveyed to such clergymen for the time being, and their successors lawfully appointed according to the ecclesiastical constitution of such Churches respectively; no such grant or conveyance to be made until a resident clergyman be appointed; provided that no such provision shall be made for more than two clergymen of each Church in any one township, and that every clergyman already enjoying an endowment or provision by grant of lands from the Crown shall be reckoned as if he were provided for pursuant to this resolution.

That a similar reservation or purchase of one or more lots be made in each circuit for the resident ministers of the Wesleyan Methodist Church in Canada in connexion with the English Wesleyan Conference, to be granted or conveyed in trust for such resident ministers for the time being, and their successors under the discipline of the said Church; provided that the number of circuits be limited to 100 in the whole, and that not more than two such lots be reserved or purchased in any one circuit; and that no such grant or conveyance be made until there is a resident minister within such circuit for each and every such lot, and not less than one chapel or place of worship built within the circuit.

That all the clergy reserves now unsold, and which shall not be reserved for the foregoing purposes, be sold under the rules and regulations from time to time in force relative to the sale of Crown lands; that the proceeds of all past and future sales, subject to the

No. 5.
Sir G. Arthur to
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Normanby,
12 April 1839.

Enclosure No. 1.

necessary expenditure for the purchase of lots from time to time as limited in the foregoing resolutions, be invested in provincial debentures, and the interest be disposed of as follows:—

- 1st. To pay to each clergyman of the Churches of England and Scotland, resident according to the first resolution, an annual stipend not to exceed 100 *l*.
- 2d. To pay to the Wesleyan Methodist Church in Canada in connexion with the English Conference, or their proper officer, a sum not to exceed 100*l*. per annum, for as many ministers of that Church as there shall be lots granted and conveyed in each circuit, according to the second resolution.
- 3d. The surplus of interest not otherwise disposed of to be expended in aid of the erection of places of public worship throughout the province generally.

That a Board of Three Commissioners be appointed to carry out the provisions of an Act to be passed in conformity with the foregoing resolutions.

That an humble address be presented to Her Majesty, praying that She will be graciously pleased to lay this subject before the Imperial Parliament, and to recommend the passing of an Act to give effect to so much of these resolutions as relates to the proceeds of clergy reserves sold under the authority of the imperial statute.

Second Enclosure in No. 5.

REPORT of the Select Committee on the Clergy Reserves.

To the Honourable the Commons House of Assembly.

Enclosure No. 2. The Select Committee, to whom was referred the Report of the Committee of the whole House on the subject of the Clergy Reserves, beg leave to report the following Resolutions, which they recommend to the adoption of your honourable House:—

1. Resolved, That there be reserved or purchased in each and every township of the province, one or more lots of land of 100 acres each lot, for a glebe or residence for one or more resident ministers of the Churches of England and Scotland, so soon as a resident minister or ministers of either Church may be appointed: Provided always, that the lands heretofore appropriated to either Church be taken into account in the general appropriation.

2. Resolved, That a similar allotment be reserved or purchased in each and every circuit for one or more resident ministers of the "Wesleyan Methodist Church in Canada in connexion with the English Wesleyan Conference," so soon as a resident minister or ministers may be appointed.

3. Resolved, That the whole of the remainder of the clergy reserves be sold as Crown lands are at present sold, and that the interest of the proceeds thereof, with the interest of those already sold, be disposed of as follows:—

- 1st. To secure to each and every resident minister of the Churches of England and Scotland the sum of 75 *l*. per annum.
- 2d. To secure to the "Wesleyan Methodist Church in Canada in connexion with the English Conference," at the rate of 75 *l*. per annum for each and every minister of that Church regularly authorized and actually officiating in the discharge of his ministerial duties.
- 3d. That the residue of interest be paid annually to the several Conferences, or other bodies representing the several other Christian denominations recognized by law, and not otherwise provided for from any public source, in proportion to the number of ascertained ministers regularly authorized and actually officiating in the discharge of their ministerial duties of each denomination respectively; such sum in no case to exceed the sum of 75 *l*. per annum for each minister, and to be appropriated in such manner as the respective denominations may from time to time determine, according to the respective rules and regulations of their Church government, and whose religious tenets do not prohibit their bearing arms.
- 4th. The surplus interest (if any) to be expended in the erection of suitable places for public worship in the several townships, and for the religious and moral education of youth within the same.

4. Resolved, That there be secured to the ministers of the Churches of England and Scotland at present resident in this province the several amounts at present paid to them; but that on the death or removal from office as a minister of the present incumbents, their successors shall become subject and liable to the same regulations as to salary and allowances as the other ministers of those Churches hereafter to be appointed.

5. Resolved, That the amount of the sales of the clergy reserves already invested in the English funds, and the proceeds of future sales, be invested in the debentures of this province, in the discretion of the Board of Commissioners hereafter to be appointed.

6. Resolved,

THE CLERGY RESERVES IN UPPER CANADA.

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6. Resolved, That Three Commissioners be appointed by the Legislature to carry out the provisions of a Bill embodying the foregoing resolutions, who shall remain in office for four years; but in case of a vacancy by death, resignation or otherwise, the vacancy to be supplied by the Lieutenant-Governor.

Committee Room, House of Assembly,
9 April 1839.

Ogle R. Gowan, Chairman.

No. 5.
Sir G. Arthur to
the Marquis of
Normanby,
12 April 1839.

Enclosure No. 2.

Third Enclosure in No. 5.

BILL to authorize the future Appropriation of the Clergy Reserves to the purposes of all recognized religious Denominations.

WHEREAS by an Act passed in the Parliament of Great Britain in the 31st year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America,' and to make further Provision for the Government of the said Province," it was amongst other things enacted, that it should and might be lawful for his said late Majesty, his heirs and successors, to authorize the Governor or Lieutenant-Governor of each of the said provinces respectively, or the person administering the government therein, to make from and out of the lands of the Crown within such provinces such allotment and appropriation of the lands for the support and maintenance of a Protestant clergy within the same as may bear a due proportion to the amount of such lands within the same as had at any time been granted by or under the authority of his said late Majesty, and that upon any grant of land within either of the said provinces which should thereafter be made by or under the authority of his Majesty, his heirs or successors, there should at the same time be made in respect of the same a proportionable allotment and appropriation of land for the above-mentioned purpose within the township or parish to which such lands so to be granted should appertain or be annexed, or as nearly adjacent thereto as circumstances would admit; and that no such grant should be valid or effectual unless the same should contain a specification of the lands so allotted or appropriated in respect of the land to be thereby granted, and that such land so appropriated and allotted should be, as nearly as the circumstances and nature of the case would admit, of the like quality as the lands in respect of which the said land should be so allotted and appropriated, and should be, as nearly as the same could be estimated at the time of making such grant, equal in value to the seventh part of the lands so granted; and it was thereby further enacted, that all and every the rents, profits or emoluments which might at any time arise from such lands so allotted and appropriated as aforesaid should be applicable solely to the maintenance of a Protestant clergy within the province in which the same should be situated, and to no other use or purpose whatever: And whereas various parts of the said clergy reserves within this province have been demised, by letters patent under the great seal of the province, to divers persons for terms of years which have not yet expired: And whereas by a certain Act of Parliament of the United Kingdom of Great Britain and Ireland passed in the seventh and eighth years of the reign of his late Majesty King George the Fourth, intituled, "An Act to authorize the Sale of a part of the Clergy Reserves in the Provinces of Upper and Lower Canada," it is enacted, that it shall and may be lawful for the Governor, Lieutenant-Governor or officer administering the government of the said provinces, or either of them, with consent of the Executive Council appointed within such province for the affairs thereof, in pursuance of any instructions which may be issued to such Governor, Lieutenant-Governor or other officer as aforesaid, by his Majesty, through one of his Principal Secretaries of State, to sell, alienate and convey in fee-simple, or for any less estate or interest, a part of the said clergy reserves in each of the said provinces, not exceeding in either province one-fourth of the reserves within such province, upon, under and subject to such conditions, provisions and regulations as his Majesty, by any such instruction as aforesaid, shall be pleased to direct and appoint; provided nevertheless, that the quantity of the said clergy reserves so to be sold as aforesaid, in any one year, in either of the said provinces, shall not in the whole exceed 100,000 acres; provided also, that the monies to arise by or to be produced from any such sale or sales shall be paid over to such officer or officers of his Majesty's revenue within the said province respectively, as his Majesty shall be pleased to appoint to receive the same, and shall by such officer or officers be invested in the public funds of the United Kingdom of Great Britain and Ireland, in such manner and form as his Majesty shall from time to time be pleased to direct; provided also, that the dividend and interest accruing from such public funds so to be purchased shall be appropriated, applied and disposed of for the improvement of the remaining part of the said clergy reserves, or otherwise for the purposes for which the said lands were reserved as aforesaid, and for no other purpose whatsoever, save only so far as it may be necessary to apply the same or any part thereof in or towards defraying the expenses of or attendant upon any such sale or sales as aforesaid, and which appropriation shall be so made in such manner and form, and for such special purposes, as his Majesty from time to time shall approve and direct: And whereas in pursuance of the said last-recited Act, the Lieutenant-Governor for the time being of this province, with the consent

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of the Executive Council, hath, in pursuance of instructions for that purpose issued by his late Majesty King George the Fourth, through one of his Principal Secretaries of State, effected sales of divers parts of the clergy reserves: And whereas by a message to both Houses of the Provincial Legislature, bearing date the 25th day of January in the year of our Lord 1832, his Excellency Major-general Sir John Colborne, K. C. B., signified to both Houses his Majesty's most gracious invitation to consider how far the powers given to the Provincial Legislature by the Constitutional Act, to vary or repeal that part of its provisions which relate to the lands allotted and appropriated in this province to the support and maintenance of a Protestant clergy, could be called into exercise for the spiritual and temporal interest of his Majesty's faithful subjects in this province: And whereas it is desirable that this power should be now exercised in making provision for the religious instruction of the people of this province; be it, &c., That except as is hereinafter provided, all the lands heretofore or to be hereafter set apart within this province, under the provisions of the said Act passed in the 31st year of the reign of his late Majesty King George the Third, for the support and maintenance of a Protestant clergy, be sold, alienated, granted and conveyed in fee-simple in like manner and subject to the same regulations, and under and upon the same conditions, limitations and provisions as now are or at any time hereafter shall be in force and use for the sale, alienation, grant and conveyance of Crown lands in this province: Provided always, that the expenses of or attendant upon any such sale or sales shall be defrayed out of the first monies arising therefrom.

2. And be it, &c., That the grant of every lot so reserved shall specify and declare such lot to be of the description commonly known as clergy reserves, and that no grant of any such lot heretofore made or hereafter to be made by or on behalf of Her Majesty, or Her successors, or of any of Her royal predecessors, shall be or be deemed to be invalid or ineffectual, or be liable to be impeached, vacated or set aside by reason that any such grant does not contain a specification of lands allotted and appropriated for the support and maintenance of a Protestant clergy in respect of the lands thereby granted, and that hereafter no such specification, allotment or appropriation shall be made as aforesaid in respect of any such lot or lots commonly called clergy reserves, in the grant thereof to the purchaser or grantee of the same.

3. And be it, &c., That the monies to arise and be produced and henceforth received from any such sale or sales, after deducting the expenses as aforesaid, shall be paid over to such officer or officers of Her Majesty's Government within this province as Her Majesty shall be pleased to appoint to receive the same, and shall be by such officer or officers invested in the public debentures of this province, bearing interest at the rate of not less than six per centum per annum, in the name or on the behalf of the Board of Commissioners hereinafter appointed.

4. And be it, &c., That there shall be reserved and set apart in each and every township in this province one or more clergy reserves, containing 100 acres each, for glebes or residences for one or more clergymen of the Church of England and Scotland, and of all the other Christian denominations recognized by the laws and statutes of this province; and that as soon as there shall be one or more clergymen of either of the said Churches respectively duly appointed to and becoming resident in any township, it shall and may be lawful for Her Majesty, Her heirs and successors, to grant to every such clergyman, and his successors to be lawfully appointed, according to the ecclesiastical constitution of such Churches respectively, one such lot of 100 acres, to be held by such incumbent or resident clergyman and his successors, as a corporation sole.

5. And be it, &c., That whenever there shall not be a sufficient number of clergy reserves unsold in any township, or from situation or other reasonable cause a convenient reservation for the purposes aforesaid cannot be made in such township, it shall and may be lawful for the Board of Commissioners hereinafter created, and they are hereby required to purchase at the most reasonable prices in their discretion, one or more lots, containing 100 acres each, as glebes or residences for one or more clergymen of the said Churches, which lots, when so purchased, shall be respectively conveyed in like manner and for the same purposes, and with and under the same powers, limitations, provisions and restrictions as are in this Act contained and expressed of and concerning grants to be made by Her Majesty to the resident clergymen of the said Churches.

6. Provided always, and be it, &c., That nothing in this Act shall extend or be construed to extend to prevent the bishop, synod or other person or body of and in the said Churches respectively, having lawful authority, according to the canons and constitution of such Churches, from removing or depriving any such clergyman from his office or situation as incumbent or resident clergyman of or in any such township, and from appointing a successor, from time to time and as often as it may be necessary; nor to give to or vest in any such clergyman any right, title or interest in the said land other than that which he may hold as a corporation sole as aforesaid, and while he shall so be the incumbent or resident clergyman in and for the township wherein such land shall lie.

7. Provided always, and be it further, &c., That such reservations, grants, purchases and conveyances shall not be made to or for more than two clergymen of any one denomination in any one township in this province; provided further, that every clergyman of either of the said churches, who shall have received any endowment or grant of lands from the Crown, either to or in trust for or for the use and benefit of him and his successors as rector or resident minister, or otherwise in his character and capacity as a clergyman in any township,

township, shall be, for the purposes herein contained, considered as if such endowment or grant of lands had been given or conveyed to him under the authority and in pursuance of the provisions of this Act.

8. And be it, &c., That the annual dividends and interests arising from the investment of the proceeds of all and every sale of clergy reserves in this province, whether past or future, and wheresoever and howsoever invested, shall be appropriated and applied by the Board of Commissioners hereinafter created, to and for the following uses and purposes; that is to say, to pay to each clergyman of the Churches of England and Scotland, who shall be in the actual occupation and enjoyment of any present or future grant or endowment of lands as a resident clergyman as aforesaid, an annual stipend not to exceed 100*l.*, and in like manner to pay to the treasurer or other officer who shall be duly authorized and appointed by the several denominations to receive the same, an annual sum not to exceed 100*l.* for each and every minister now or hereafter to be appointed by the said Churches within this province, according to the provisions of this Act; and after these several payments and appropriations, and the payment of the necessary charges and expenses of conducting the said commission, to apply the residue of such annual interest or dividends in aid of the erection of places of public worship in this province for any denomination of Christians.

9. And be it, &c., That the treasurer or other proper officer of the said Churches shall, once in every year, render to the said Board of Commissioners a true and faithful account of the expenditure of the monies received by him under the authority of this Act, and that further payments to and for the use of the said Churches shall from time to time be suspended until the preceding payments and grants are duly accounted for.

10. Provided always, and be it further, &c., That nothing in this Act contained shall be construed to limit and prevent the Board of Commissioners hereinafter named from laying out and expending from time to time such sum or sums of money, whether principal monies arising from the sale of clergy reserves, or interest accruing from the investment thereof in provincial debentures, as shall be found necessary for the purchase of any lot or lots of land to be conveyed to and for the several uses and intents hereinbefore declared, nor for such purpose from selling any debenture or debentures that they may find necessary; provided that the said Board of Commissioners shall not lay out in the purchase of any one lot of 100 acres a greater sum than 200 *l.*

11. And be it, &c., That there be constituted and created a Board of Three Commissioners, a majority of whom shall form a quorum for transacting business, who shall be appointed on the joint recommendation of both Houses of the Legislature, by the Lieutenant-Governor, by letters patent under the great seal of this province, and who shall hold office for the term of four years, subject however to be sooner removed, and another or others appointed in the stead of him or them so removed, on a like joint address; which board is hereby constituted and declared to be a body corporate and politic in fact, by the name of the Commissioners for Religious Instruction, and by that name they and their successors shall have continued succession, and shall be capable of contracting and being contracted with, suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors shall have a common seal, and may change and alter the same at their will and pleasure, and that they and their successors may and shall be capable in law of purchasing, taking and conveying any such real estate from time to time as may be necessary for the carrying into full effect the purposes of this Act, and that they and their successors shall have full power and authority to do every other necessary act, matter and thing in and for the proper discharge of the several duties required to be performed and done in and by the different clauses of and provisions of this Act.

12. And be it, &c., That it shall be the duty of the said Commissioners, and they are hereby required, to distribute and pay the several stipends and annual sums hereinbefore directed to be paid and allowed in such manner as to give no undue priority, preference or advantage to any or either the Churches hereinbefore mentioned to the other or others of them.

13. And be it, &c., That the said Commissioners shall have power to appoint such clerks and officers for carrying on and fulfilling the duties hereby required of them, with such salaries as they may think reasonable and proper, and from time to time to remove such clerks: Provided always, that such appointment and the amount of the salaries shall be subject to the approval of the Lieutenant-Governor.

14. And be it, &c., That the said Commissioners shall once in every year make a full and particular return to the Lieutenant-Governor of all monies received by them; of the amount of monies invested and of the dividends thereon; the number of lots, and to whom granted or conveyed; the number of stipends paid to the clergymen of the said Churches, and the amount of each such stipend, and the return made of the expenditure thereof; the number of their clerks and officers, and their salaries, together with the amount of all expenses incurred in conducting the affairs of the said Commission; and generally of every other matter and thing relating to their duties as such Commissioners; and that copies of such annual returns be laid before both branches of the Legislature of this province.

No. 5.

Sir G. Arthur to
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12 April 1839.

Enclosure No. 3.

No. 5.
Sir G. Arthur to
the Marquis of
Normanby,
12 April 1839.

Fourth Enclosure in No. 5.

BILL to declare the Powers of Rectors, and to provide for their Removal in certain cases.

Enclosure No. 4.

WHEREAS fears are entertained and doubts expressed as to the extent of power and authority conferred upon the incumbents of rectories constituted under the provisions of the Act passed in the 31st year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province;" which it is essential, for the quieting of those fears and restoring peace and harmony to all religious communities, and promoting a spirit of charity among different denominations, should be removed: And whereas it is necessary to provide for the resignation or removal of rectors or parsons from their rectories or parsonages in certain cases, and for the appointment of select vestries and churchwardens; be it, &c., That no parson or rector now or hereafter to be instituted and inducted into any parsonage or rectory now or hereafter to be constituted and erected under the provisions of the said Act shall have, hold, exercise or enjoy any right, power, authority or pre-eminence whatever, either ecclesiastical or civil, beyond the limits of his rectory, which any other clergyman duly licensed by the bishop of the diocese to perform duty within the same shall not possess.

2. And be it, &c., That when and so often as any parson or rector shall be desirous of resigning his parsonage or rectory, it shall and may be lawful for such parson or rector to signify such his desire by an instrument under his hand and seal to his diocesan, who shall, so soon as to him shall seem meet, cause the same to be notified to the vestry and churchwardens of such parsonage or rectory, who shall make an entry thereof in the books of the vestry, whereupon it shall be lawful for the bishop to institute and induct a successor, who shall thenceforth be the parson or rector of such parsonage or rectory.

3. And be it, &c., That it shall and may be lawful for the bishop of the diocese in which any rectory or parsonage in this province shall be situate, at any visitation or convocation of his clergy, to hear any complaint against, or to institute any inquiry into the conduct, life or demeanor of the parson or rector of any such parsonage or rectory, and if a majority of the clergy present at any such visitation or convocation shall, under the direction and authority of the bishop there present, declare the charges to be proven, it shall and may be lawful for the said bishop to proceed to admonish such parson or rector, or to deprive him of his parsonage or rectory, according to his discretion, having a due regard to the interests of religion and the purity and morals of the clergy.

4. And be it, &c., That it shall and may be lawful for the pewholders of any church in this province, in the presence of the parson or rector, on every Easter Tuesday, to choose from among the said pewholders such a number of vestrymen, not less than seven, as they shall think proper, to manage the affairs of the church during the ensuing year, who shall appoint a vestry clerk and one churchwarden, who, together with one other churchwarden to be appointed by the parson or rector, shall be possessed of the chattel property of the church, and shall collect the pew rents and other dues for the use and benefit of the public frequenting the same, and attending divine service thereat, and for the decent and orderly celebration of divine worship in such church.

Fifth Enclosure in No. 5.

BILL to reinvest in Her Majesty the Lands set apart for a Protestant Clergy.

Enclosure No. 5.

WHEREAS in and by an Act of the Parliament of Great Britain passed in the 31st year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," it is among other things recited and declared, that his said late Majesty had been graciously pleased, by message to both Houses of Parliament, to express his royal desire to be enabled to make a permanent appropriation of lands in the said provinces for the support and maintenance of a Protestant clergy within the same, in proportion to such lands as had been already granted within the same by his Majesty; and further, that such provision might be made with respect to all future grants of land within the said provinces respectively as might best conduce to the due and sufficient support and maintenance of a Protestant clergy within the said provinces, in proportion to such increase as should happen in the population and cultivation thereof: And whereas, for the purpose of more effectually fulfilling his said Majesty's gracious intentions as aforesaid, and of providing for the due execution of the same in all time to come, certain provisions were made in and by the said Act respecting the support and maintenance of a Protestant clergy within the said provinces, which provisions are contained in the 35th, 36th, 37th, 38th, 39th, 40th, 41st and 42d clauses of the said statute

statute passed in the 31st year of the reign of his late Majesty King George the Third, and are in the following words; that is to say,

35. "And whereas by the above-mentioned Act passed in the 14th year of the reign of his present Majesty it was declared, that the clergy of the Church of Rome in the province of Quebec might hold, receive and enjoy their accustomed dues and rights with respect to such persons only as should profess the said religion; provided, nevertheless, that it should be lawful for his Majesty, his heirs or successors, to make such provisions out of the rest of the said accustomed dues and rights for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant clergy within the said province, as he or they should from time to time think necessary and expedient: And whereas, by his Majesty's royal instructions given under his Majesty's royal sign manual, on the 3d day of January in the year of our Lord 1775, to Guy Carleton, esquire, now Lord Dorchester, at that time his Majesty's Captain-general and Governor-in-chief in and over his Majesty's province of Quebec, his Majesty was pleased, amongst other things, to direct 'that no incumbent professing the religion of the Church of Rome, appointed to any parish in the said province, should be entitled to receive any tithes for lands or possessions occupied by a Protestant, but that such tithes should be received by such persons as the said Guy Carleton, esquire, his Majesty's Captain-general and Governor-in-chief in and over his Majesty's said province of Quebec, should appoint, and should be reserved in the hands of his Majesty's Receiver-general of the said province for the support of a Protestant clergy in his Majesty's said province, to be actually resident within the same, and not otherwise, according to such directions as the said Guy Carleton, esquire, his Majesty's Captain-general and Governor-in-chief in and over his Majesty's said province, should receive from his Majesty in that behalf, and that in like manner all growing rents and profits of a vacant benefice should, during such vacancy, be reserved for and applied to the like uses:' And whereas his Majesty's pleasure has likewise been signified to the same effect in his Majesty's royal instructions given in like manner to Sir Frederick Haldimand, Knight of the most honourable Order of the Bath, late his Majesty's Captain-general and Governor-in-chief in and over his Majesty's said province of Quebec, and also in his Majesty's royal instructions given in like manner to the said Right honourable Guy Lord Dorchester, now his Majesty's Captain-general and Governor-in-chief in and over his Majesty's said province of Quebec; be it enacted by the authority aforesaid, That the said declaration and provision contained in the said above-mentioned Act, and also the said provision so made by his Majesty in consequence thereof by his instructions above recited, shall remain and continue to be of full force and effect in each of the said two provinces of Upper Canada and Lower Canada respectively, except in so far as the said declaration or provisions respectively, or any part thereof, shall be expressly varied or repealed by any Act or Acts which may be passed by the Legislative Council and Assembly of the said provinces respectively, and assented to by his Majesty, his heirs or successors, under the restrictions hereinafter provided.

36. "And whereas his Majesty has been graciously pleased, by message to both Houses of Parliament, to express his royal desire to be enabled to make a permanent appropriation of lands in the said provinces for the support and maintenance of a Protestant clergy within the same, in proportion to such lands as have been already granted within the same by his Majesty: And whereas his Majesty has been graciously pleased by his said message further to signify his royal desire that such provision may be made with respect to all future grants of land within the said provinces respectively as may best conduce to the due and sufficient support and maintenance of a Protestant clergy within the said provinces, in proportion to such increase as may happen in the population and cultivation thereof; therefore, for the purpose of more effectually fulfilling his Majesty's gracious intention as aforesaid, and of providing for the due execution of the same in all time to come; be it enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor or Lieutenant-governor of each of the said provinces respectively, or the person administering the government therein, to make from and out of the lands of the Crown within such provinces such allotment and appropriation of lands for the support and maintenance of a Protestant clergy within the same as may bear a due proportion to the amount of such lands within the same as have at any time been granted by or under the authority of his Majesty; and that whenever any grant of lands within either of the said provinces shall hereafter be made by or under the authority of his Majesty, his heirs or successors, there shall at the same time be made in respect of the same a proportionable allotment and appropriation of lands for the above-mentioned purpose within the township or parish to which such lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as circumstances will admit; and that no such grant shall be valid or effectual unless the same shall contain a specification of the lands so allotted and appropriated in respect of the lands to be thereby granted; and that such lands so allotted and appropriated shall be, as nearly as the circumstances and nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the time of making such grant, equal in value to the seventh part of the lands so granted.

37. "And be it further enacted by the authority aforesaid, That all and every the rents, profits or emoluments which may at any time arise from such lands so allotted and appropriated as aforesaid shall be applicable solely to the maintenance and support of a Protestant clergy within the province in which the same shall be situated, and to no other use or purpose whatever.

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Sir G. Arthur to
the Marquis of
Normanby,
12 April 1839.

Enclosure No. 5.

38. "And

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the Marquis of
Normanby,
12 April 1839.

Enclosure No. 5.

38. " And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor or Lieutenant-Governor of each of the said provinces respectively, or the person administering the government therein, from time to time, with the advice of such Executive Council as shall have been appointed by his Majesty, his heirs or successors, within such province, for the affairs thereof, to constitute and erect, within every township or parish which now is or hereafter may be formed, constituted or erected within such province, one or more parsonage or rectory, or parsonages or rectories, according to the establishment of the Church of England, and from time to time, by an instrument under the great seal of such province, to endow every such parsonage or rectory with so much or such a part of the lands so allotted and appropriated as aforesaid in respect of any lands within such township or parish which shall have been granted subsequent to the commencement of this Act, or of such lands as may have been allotted and appropriated for the same purpose by or in virtue of any instruction which may be given by his Majesty in respect of any lands granted by his Majesty before the commencement of this Act, as such Governor, Lieutenant-governor, or person administering the government shall, with the advice of the said Executive Council, judge to be expedient under the then existing circumstances of such township or parish.

39. " And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor, Lieutenant-governor, or person administering the government of each of the said provinces respectively, to present to every such parsonage or rectory an incumbent or minister of the Church of England who shall have been duly ordained according to the rites of the said Church, and to supply from time to time such vacancies as may happen therein; and that every person so presented to any such parsonage or rectory shall hold and enjoy the same, and all rights, profits and emoluments thereto belonging or granted, as fully and amply, and in the same manner, and on the same terms and conditions, and liable to the performance of the same duties as the incumbent of a parsonage or rectory in England.

40. " Provided always, and be it further enacted by the authority aforesaid, That every such presentation of an incumbent or minister to any such parsonage or rectory, and also the enjoyment of any such parsonage or rectory, and of the rights, profits and emoluments thereof, by any such incumbent or minister, shall be subject and liable to all rights of institution and all other spiritual and ecclesiastical jurisdiction and authority which have been lawfully granted by his Majesty's royal letters patent to the Bishop of Nova Scotia, or which may hereafter by his Majesty's royal authority be lawfully granted or appointed to be administered and executed within the said provinces, or either of them respectively, by the said Bishop of Nova Scotia, or by any other person or persons, according to the laws and canons of the Church of England which are lawfully made and received in England.

41. " Provided always, and be it further enacted by the authority aforesaid, That the several provisions hereinbefore contained respecting the allotment and appropriation of lands for the support of a Protestant clergy within the said provinces, and also respecting the constituting, erecting and endowing parsonages or rectories within the said provinces, and also respecting the presentation of incumbents or ministers to the same, and also respecting the manner in which such incumbents or ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express provisions for that purpose contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said provinces respectively, and assented to by his Majesty, his heirs or successors, under the restriction hereinafter provided.

42. " Provided nevertheless, and be it further enacted by the authority aforesaid, That whenever any Act or Acts shall be passed by the Legislative Council and Assembly of either of the said provinces containing any provisions to vary or repeal the above-recited declaration and provisions contained in the said Act passed in the 14th year of the reign of his present Majesty, or to vary or repeal the above-recited provision contained in his Majesty's royal instructions given, on the 3d day of January in the year of our Lord 1775, to the said Guy Carleton, esquire, now Lord Dorchester; or to vary or repeal the provisions hereinbefore contained for continuing the force and effect of the said declaration and provisions; or to vary or repeal any of the several provisions hereinbefore contained respecting the allotment and appropriation of lands for the support of a Protestant clergy within the said provinces, or respecting the constituting, erecting or endowing parsonages or rectories within the said provinces, or respecting the presentation of incumbents or ministers to the same, or respecting the manner in which such incumbents or ministers shall hold and enjoy the same; and also that whenever any Act or Acts shall be so passed containing any provisions which shall in any manner relate to or affect the enjoyment or exercise of any religious form or mode of worship, or shall impose or create any penalties, burdens, disabilities or disqualifications in respect of the same; or shall in any manner relate to or affect the payment, recovery or enjoyment of any of the accustomed dues or rights hereinbefore mentioned; or shall in any manner relate to the granting, imposing or recovering any other dues, or stipends or emoluments whatever to be paid to or for the use of any minister, priest, ecclesiastic or teacher, according to any religious form or mode of worship, in respect of his said office or function; or shall in any manner relate to or affect the establishment or discipline of the Church of England amongst the ministers and members thereof within the said provinces; or shall in any manner relate to or affect the King's prerogative touching the granting of waste lands of the Crown within the said provinces; every such Act or Acts shall, previous to any declaration

declaration or signification of the King's assent thereto be laid before both Houses of Parliament in Great Britain; and that it shall not be lawful for his Majesty, his heirs or successors, to signify his or their assent to any such Act or Acts until 30 days after the same shall have been laid before the said Houses, or to assent to any such Act or Acts in case either House of Parliament shall, within the said 30 days, address his Majesty, his heirs or successors, to withhold his or their assent from such Act or Acts; and that no such Act shall be valid or effectual to any of the said purposes within either of the said provinces unless the Legislative Council and Assembly of such province shall, in the session in which the same shall have been passed by them, have presented to the Governor, Lieutenant-governor, or person administering the government of such province an address or addresses specifying that such Act contains provisions for some of the said purposes hereinbefore specially described, and desiring that, in order to give effect to the same, such Act should be transmitted to England without delay, for the purpose of being laid before Parliament previous to the signification of his Majesty's assent thereto."

And whereas since the passing of the said Act, divers allotments and appropriations of land have been made within the province of Upper Canada in pursuance of the aforesaid provisions for the support and maintenance of a Protestant clergy, which allotments are commonly known by the name of clergy reserves, and have been made in the proportion of one-seventh of the lands granted or to be granted within the said province: And whereas of these allotments of land, some portions have been demised by his said late Majesty or his successors for term of years, and other portions have been from time to time sold under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the seventh and eighth years of the reign of his late Majesty King George the Fourth, intituled, "An Act to authorize the Sale of a part of the Clergy Reserves in the Province of Upper and Lower Canada," under the provisions of which Act, the monies accruing from such lands sold are to be appropriated, applied and disposed of for the purposes for which the said lands were so reserved as aforesaid, and for no other purpose whatsoever, and the residue of the said allotments or reserves, not being leased or otherwise disposed of, continue vested in the Crown, subject to the provisions of the Act first herein recited:

And whereas doubts have arisen respecting the proper legal construction of the said Act passed in the 31st year of the reign of his late Majesty King George the Third, and it has been made a question to what sects or denominations of Protestants the term "Protestant clergy" used in the said Act was intended to be applicable, and what clergy can of right claim to participate or can be legally admitted to participate in the advantages of the said allotments or reserves:

And whereas the continuance of such doubts, and the controversies to which they have given rise, are in a high degree prejudicial to the peace and good government of this province, and unfavourable to the spiritual and temporal interests of the people thereof, and it is expedient to put an end to such doubts and controversies, by enabling Her Majesty, Her heirs or successors, to dispose of the said allotments or appropriations of land, and of the monies which have accrued or may hereafter accrue from the sale or other disposal of the same, or any part thereof, in such manner as to Her Majesty, Her heirs or successors, may seem just and fit for the maintenance of public worship and the support of religion within this province:

Be it therefore enacted by The Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," and by the authority of the same, that the 36th and 37th clauses of the said statute, and so much of the 38th clause thereof, as relates to the endowment of any parsonage or rectory with land, shall be and the same are hereby repealed; and that all and every the lands which are now vested in Her Majesty, and which before the passing of this Act were reserved, allotted and appropriated for the maintenance and support of a Protestant clergy within this province, under the authority of the said Act of the Parliament of Great Britain passed in the 31st year of his said late Majesty's reign, shall be and remain vested in Her Majesty, Her heirs and successors, freed and absolutely discharged from all and every of the trusts, conditions, limitations or restrictions contained in or imposed or declared by the said last-mentioned Act: Provided always, nevertheless, that the said lands are by this Act vested in Her Majesty, Her heirs and successors, discharged from the trusts and conditions aforesaid, to the intent and in order that the same lands may be, by and under the authority of the Parliament of the United Kingdom of Great Britain and Ireland, applied and appropriated, by way of endowment or otherwise, solely for the maintenance of public worship and the support of religion within this province, and to no other use or purpose whatsoever.

2. And be it further enacted by the authority aforesaid, That nothing in this Act contained shall extend to interfere with or make void any grant, sale, lease, endowment or other appropriation, which before the passing of this Act may have been made of any part or portion of the said allotments or appropriations of land called Clergy Reserves: Provided nevertheless, that the monies which shall have arisen and accrued, and which now remain unexpended, or which shall hereafter arise and accrue from such sale, or in consequence

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sequence of such lease having been made, shall be applicable to the same purposes to which the lands so allotted and appropriated as aforesaid shall be applicable after the passing of this Act, and to no other; and that such monies shall be paid over, applied and accounted for in such manner and form as Her Majesty, Her heirs or successors, shall be graciously pleased to direct.

3. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, no grant, sale, lease or other disposition of any of the said allotments or appropriations of land, or of any part thereof, shall be made otherwise than in pursuance of instructions which shall from time to time be given by Her Majesty, Her heirs or successors, after the passing of this Act.

— No. 6. —

(No. 110.)

COPY of a DESPATCH from Lieutenant-Governor Sir *G. Arthur*, K.C.H., to the Marquis of *Normanby*, dated Toronto, 14 May 1839.

No. 6.
Sir G. Arthur to
the Marquis of
Normanby,
14 May 1839.

My Lord,

WITH reference to my Despatch to your Lordship of this date (No. 108), I have the honour to enclose herewith the reserved Bill passed by the Provincial Legislature, intituled, "An Act to dispose of the Lands commonly called the 'Clergy Reserves,' and for other purposes therein mentioned."

The object of this Act is to provide that the proceeds of all the reserves sold, or to be sold, be paid into the hands of the Receiver-general of the province, to be applied by the Imperial Parliament for religious purposes.

By the enclosures numbered (A.) to (D.), your Lordship will perceive the various measures which were successively proposed and finally rejected prior to the passing of the Bill, which has referred the decision on the matter to the Imperial Government, and which was carried in the Assembly by a majority of one vote, in a House of 44 members, at a late hour on the night preceding the day of prorogation.

In the various stages of the discussions on this subject, the different plans that were proposed and adopted were carried in the Assembly by very small majorities, and I believe I may add, without the hearty concurrence of any considerable number of Members; while, on the other hand, the various schemes which were proposed, and which failed, were supported and opposed without any unanimity or determination of opinion.

The Assembly was in fact divided into many small parties; negative majorities were easily procured; but an affirmative vote, in which a majority might concur from conscientious approval, could not be obtained. The several Bills on the subject of the clergy reserves which passed in the Assembly may indeed be said not to have met with the positive approval of a majority of that body; and when every other expedient had been tried in vain, the vote referring the decision of the question in England was carried by the bare majority which I have mentioned.

The question of the distribution of these reserves is in its nature most exciting, and tends to give rise to the fiercest discussions, both in regard to political and religious principles. The mischiefs which its animated discussion here necessarily introduced have been much aggravated by the invitation to legislate being pressed upon the local government, and time has added to the evil, by showing to political agitators how readily they could influence the popular mind by extreme and impracticable views on the subject. Thus, while many were conscientiously opposed to the several measures devised, it cannot be denied that others would gladly have kept the question open to be used, as before, for the purposes of agitation.

In this state of affairs I acknowledge that, after every effort had been tried, unsuccessfully, to bring parties to any thing like unanimity of sentiment, I was gratified to see the matter referred to the Imperial Parliament, even by the small majority of a single vote.

It now only remains that a liberal and just appropriation of the clergy reserve funds should be made in England.

Before I left Van Diemen's Land a Bill was drafted, under my direction, for the disposal of the clergy lands in that province; I believe, with some modification,

No. 1.

(A.) to (D.)

modification, it subsequently passed into a law; and as I am of opinion that its provisions would answer well for Upper Canada, I should strongly recommend it, so far as it can be adopted consistently with the interests of incumbents in this province who are now receiving small salaries from the clergy reserve fund, and to whom the faith of Government must be considered as in a manner pledged.

Whatever might have been the legal interpretation in the present Act of the term "Protestant clergy," it is my duty to state that no such limitation will now satisfy the people of this country. Above all things, my Lord, I would urgently recommend promptitude of action in the matter, as I am sure that public meetings will be held throughout the province with a view to influence proceedings in England, and every means will be taken still to agitate the question.

I have, &c.
(signed) *Geo. Arthur.*

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Enclosure No. 1 in No. 6.

(No. 1147.)

AN ACT to dispose of the Lands commonly called "Clergy Reserves," and for other Purposes therein mentioned.

This Bill reserved for the signification of Her Majesty's pleasure thereon, on Saturday the 11th day of May 1839.

(signed) *R. A. Tucker*, Provincial Secretary.

WHEREAS by an Act passed in the 31st year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," it was enacted, that it should and might be lawful for his Majesty, his heirs and successors, to authorize the Governor or Lieutenant-governor of each of the provinces hereinbefore named respectively, or the person administering the government therein, to make from and out of the lands of the Crown within such provinces such allotment and appropriation of lands for the support and maintenance of a Protestant clergy within the same, as might bear a due proportion to the amount of such lands within the same, as have at any time been granted by or under the authority of his Majesty; and that whenever any grant of lands within either of the said provinces should thereafter be made by or under the authority of his Majesty, his heirs or successors, there should at the same time be made in respect of the same a proportionable allotment and appropriation of lands for the above-mentioned purpose, within the township or parish to which such lands so to be granted should appertain or be annexed, or as nearly adjacent thereto as circumstances would admit; and that no such grant should be valid and effectual unless the same should contain a specification of the lands so allotted and appropriated in respect of the lands to be thereby granted, and that such lands so allotted and appropriated should be, as nearly as the circumstances and nature of the case would admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and should be, as nearly as the same can be estimated at the time of the making such grant, equal in value to the seventh part of the lands so granted: And whereas it was in and by the said in part recited Act further enacted, that all and every the rents, profits or emoluments which might at any time arise from such lands so allotted and appropriated as aforesaid, should be applicable solely to the maintenance and support of a Protestant clergy within the province in which the same should be situated, and to no other use or purpose whatever: And whereas in pursuance of the said Act such proportionable allotments and appropriations of land as aforesaid have from time to time been reserved for the purposes therein mentioned, which lands are known by the name of "Clergy Reserves:" And whereas it is wisely provided by the said Act, section 41st, "that the several provisions hereinbefore contained, respecting the allotment and appropriation of lands for the support of a Protestant clergy within the said provinces, and also respecting the constituting, erecting and endowing parsonages or rectories within the said provinces, and also respecting the presentation of incumbents or ministers to the same, and also respecting the manner in which such incumbents or ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express provisions for that purpose contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said provinces respectively, and assented to by his Majesty, his heirs and successors: And whereas by a message to both Houses of the Provincial Legislature, bearing date the 25th day of January in the year of our Lord 1832, his Excellency Major-general Sir John Colborne, K. C. B., signified to both Houses his Majesty's most gracious invitation to consider how far the powers given to the Provincial Legislature by the Constitutional Act to vary or repeal that part of its provisions which relate

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to the lands allotted and appropriated in this province to the support and maintenance of Protestant clergy, could be called into exercise for the spiritual and temporal interests of his Majesty's faithful subjects in this province: And whereas it is expedient, for the peace, welfare and good government of this province, that this power should be now exercised; be it therefore enacted, by The Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," and by the authority of the same, That the 36th and 37th clauses of the said Act of the Imperial Parliament, passed in the 31st year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," be and the same are hereby repealed.

2. And be it further enacted by the authority aforesaid, That all the lands heretofore set apart within this province under the provisions of the said Act passed in the 31st year of the reign of his late Majesty King George the Third, for the support and maintenance of a Protestant clergy, and now ungranted, be sold, alienated, granted and conveyed in fee-simple, in like manner, and subject to the same regulations, and under and upon the same conditions, limitations and provisions, as now are or at any time hereafter shall be in force and use for the sale, alienation, grant and conveyance of Crown lands in this province: Provided always, that nothing in this Act contained shall be construed to make void any sale heretofore made for which the patent from the Crown has not issued; but such sales shall be and the same are hereby declared to be as valid as if the same had been made under the provisions of this Act: Provided always, that all sums due or hereafter to become due shall be applied in the same manner as the proceeds of sales made under this Act.

3. And be it further enacted by the authority aforesaid, That the monies to arise and to be produced and henceforth received from any such sale or sales shall be paid into the hands of Her Majesty's Receiver-general of this province, to be appropriated and applied by the Imperial Parliament for religious purposes.

Legislative Council Chamber, }
10th day of May 1839. }

Jonas Jones, Speaker.

Commons House of Assembly, }
10th day of May 1839. }

Allan N. Mac Nab, Speaker.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

George Arthur,
Lieutenant-Governor.

Enclosure (A.) in No. 6.

BILL to authorize the future Appropriation of the Clergy Reserves to the purposes of all recognized religious Denominations.

This Bill is precisely the same as that in page 11, excepting the 4th and 7th clauses, which are amended as follows:—

Enclosure (A.)

4. "And be it, &c., That there shall be reserved and set apart in each and every township in this province one or more clergy reserves not exceeding 100 acres each for glebes or residences for one or more clergymen of the Church of England and Scotland, and of all the other Christian denominations recognized by the laws and statutes of this province; and that as soon as there shall be one or more clergymen of either of the said Churches respectively duly appointed to and becoming resident in any township, it shall and may be lawful for Her Majesty, Her heirs and successors, to grant, for the use of every such clergyman and his successors, to be lawfully appointed according to the ecclesiastical constitution of such Churches respectively, one such lot not exceeding 100 acres, to be held by such incumbent or resident clergyman and his successors as a corporation sole."

7. "Provided always, and be it further, &c., That such reservations, grants, purchases and conveyances shall not be made to or for more than two clergymen of any one denomination in any one township in this province: Provided also, that in any township where 200 acres or more have already been granted to a minister or ministers of any one of the said Churches or denominations, no further appropriation shall be made for the ministers of such Church or denomination in such township."

Enclosure

THE CLERGY RESERVES IN UPPER CANADA.

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Enclosure (B.) in No. 6.

No. 6.
Sir G. Arthur to
the Marquis of
Normanby,
14 May 1839.

Enclosure (B.)

REPORT of the Select Committee of the Legislative Council upon the Clergy Reserve Lands Disposition Bill, and an Amendment to the same, submitted by them for the adoption of the House.

Your Committee, to whom was referred the Bill sent up from the Assembly, relating to the disposal of the Clergy Reserves in this province, have prepared the following Amendments, which they respectfully recommend for the adoption of your honourable House :

After "Whereas," in the Preamble, strike out the remainder of the Bill, and insert as in the annexed draft.

R. B. Sullivan, Chairman.

Committee Room, 30 April 1839.

For the advancement of the Christian religion, and the promotion of good morals in Upper Canada, it is expedient to appropriate the lands called Clergy Reserves, and the yearly income arising from the interest, rents and proceeds of sales thereof, in aid of the maintenance of the ministers of religion; Be it therefore enacted, &c. That it shall and may be lawful for the Lieutenant-governor of this province, by and with the advice of the Executive Council, to cause to be sold and alienated, granted and conveyed, all or any portion of the clergy reserves in this province, in like manner as other lands of the Crown now are or shall be sold or alienated: Provided always, that the necessary expenses attending such sale shall be defrayed out of the first monies arising therefrom.

2. And be it further enacted, &c., That the letters patent alienating such lands shall describe the same as clergy reserves, and that no further reservation in respect of such lands shall be necessary.

3. And be it further enacted, &c., That it shall and may be lawful for the Lieutenant-Governor, by and with the advice of the Executive Council, to cause to be invested the monies proceeding from such sales, and also all monies which have heretofore arisen from such sales, in the public funds, in the name of the Receiver-general in England, or in the public debentures of the province; and such investment to withdraw and change, in the whole or in part, from time to time as circumstances may require.

4. And be it further enacted, &c., That it shall and may be lawful for the Lieutenant-governor, by and with such advice as aforesaid, in the name of Her Majesty, Her heirs and successors, to grant and appropriate portions of the said reserves, not exceeding 100 acres in each case, as residences for officiating clergymen or ministers of religion, and for the building churches, chapels and places of public worship therein, and, in case such clergy reserves shall not be found in the neighbourhood required, to procure, by exchange of such clergy reserves, not exceeding 100 acres, or by purchase, for any sum not exceeding ——— in each case, convenient sites for the purposes in this clause mentioned, and to grant and appropriate the lands so required for such purposes, which grant or appropriation shall be made to the officiating clergyman and his successors as a corporation sole, or to trustees named for the purpose by the respective congregations, as the tenets and discipline of such Churches or denominations of Christians shall respectively require.

5. And be it further enacted, &c., That it shall and may be lawful for the Lieutenant-governor, with the advice of the Executive Council, to order and direct by his warrant the payment of the yearly stipends, at present payable to the clergy or ministers of religion out of public funds in this province, to be paid out of the yearly interest accruing on sales of the said clergy reserves, and upon the investment of the proceeds thereof during the incumbency of the present clergymen or ministers.

6. And be it further enacted, &c., That it shall and may be lawful for the Lieutenant-Governor, by and with the advice of the Executive Council, to appropriate and direct the payment out of the said interest money of stipends towards the support of clergymen and ministers of religion, duly appointed according to the rules of their respective church or congregation, in the following cases; that is to say, whenever there shall be shown to the said Lieutenant-Governor in Council that there is resident, within reasonable distance of any church, chapel or place of public worship, a population of adults, who shall subscribe a declaration, setting forth their desire to attend such church, chapel or place of public worship, and shall subscribe and pay to the said clergyman or minister of religion a yearly sum of money, not less than ——— pounds, then and in such case the public stipend or salary to be paid to such clergyman or minister of religion shall be equal to the said private subscription: Provided always, that in no case shall such public stipend amount to more than ——— pounds.

7. And be it further enacted, &c., That the interest money aforesaid shall be chargeable, in the first place, with the stipends or salaries of the clergy or ministers of religion now paid out of any public funds in this province, and that in the case of alteration by death or removal of any of the said incumbents, and also in case of the establishment of new churches, chapels and places of public worship, the interest money aforesaid shall be paid and distributed as in this Act directed, preference and priority being given according to the priority of time in the building such church, chapel or place of public worship, and to the priority of time in subscribing and paying a clergyman or minister of religion attached thereto out of private funds as aforesaid.

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Enclosure (B.)

8. And be it further enacted, &c., That a book shall be kept in the office of the provincial secretary and registrar, in which shall be yearly entered the township or place at which each church, chapel or place of public worship shall be erected, the name of the officiating clergyman, the number of adults attached to his congregation, and the name of the church or denomination of Christians to which he belongs; which entries shall be founded on yearly returns, signed by the respective clergymen or ministers of religion, certified under the hands of at least 12 freeholders of his congregation.

9. And be it further enacted, &c., That no public aid under this Act shall be given to any clergyman or minister of religion who shall not, in the first place, take and subscribe the oath of allegiance, and who is not a natural-born or naturalized subject of the British Crown.

10. And be it further enacted, &c., That no public aid shall be extended to any clergyman or minister of religion who shall not produce satisfactory proof of his ordination and appointment by authority of some Church or denomination of Christians having within this province or within Her Majesty's dominions due power of ordination and appointment, or unless such clergyman or minister of religion shall be wholly devoted to his religious duties, without secular employment.

11. And be it further enacted, &c., That in any case of one clergyman or minister of religion having the care of two or more congregations, amounting in number to 100 adults, who shall subscribe and declare as in the sixth clause of this Act mentioned, and who shall subscribe and pay towards the support and maintenance of such clergyman or minister of religion a sum not less than _____, as in the said clause mentioned, then and in such case, and until the said congregations shall increase so as respectively to come within the scope and meaning of the said sixth clause, it shall and may be lawful for such public aid and stipend to be paid to such clergyman or minister of religion in like manner as if the private aid and subscription came from one congregation.

12. And be it further enacted, &c., That nothing in this Act contained shall extend or be construed to extend to interfere with or deprive any bishop, synod, conference, or other Church government of any power of appointment, suspension or deprivation of any clergyman or minister of religion, but that the functions of Church government in the several Churches and denominations of Christians shall continue to be exercised as heretofore, and that no clergyman or minister of religion shall be considered as having any right to any of the public aid, stipend, or land or benefit, other than he shall hold under, during and by virtue of his incumbency.

13. And be it further enacted, &c., That accounts of the receipt and expenditure, state of investment, together with a full report of all proceedings under this Act, shall be laid before the Houses of the Provincial Parliament within one month from the beginning of such session.

14. And be it further enacted, &c., That the 35th, 36th and 37th clauses of an Act passed in the Parliament of Great Britain in the 31st year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," be and the same are hereby repealed, in so far as the said clauses confine the disposition of the lands mentioned therein to the support and maintenance of a Protestant clergy.

15. And be it further enacted, &c., That for and notwithstanding any thing in the said last-mentioned Act contained, and also for and notwithstanding any law, act or usage to the contrary, no bishop, rector, priest, synod, conference, or other church dignitary or government shall levy any tithes or church dues, or other compulsory payments for the support of religion, or exercise any temporal or ecclesiastical jurisdiction over the laity or over any clergy or ministers not belonging to his or their Church or denomination of Christians.

Enclosure (C.) in No. 6.

BILL for the future Disposal of the Clergy Reserves in this Province, as reported by the Committee of the whole in the Legislative Council.

Enclosure (C.)

WHEREAS, for the advancement of the Christian religion and the promotion of good morals in Upper Canada, it is expedient to appropriate the lands called Clergy Reserves, and the yearly income arising from the interest, rents and proceeds of sales thereof, in aid of the maintenance of the ministers of religion; be it therefore enacted, &c., That it shall and may be lawful for the Lieutenant-governor of this province, by and with the advice of the Executive Council, to cause to be sold and alienated, granted and conveyed, all or any portion of the clergy reserves in this province, in like manner as the clergy reserve lands have hitherto been sold: Provided always, that the necessary expenses attending such sale shall be defrayed out of the first monies arising therefrom: Provided always, that nothing herein contained shall be taken or held to interfere with any incomplete grant, order of council, or other act or undertaking of Government heretofore made for the granting or alienating any portion of the said reserves, notwithstanding that the same may be found to contain more than 100 acres.

2. And

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Enclosure (C.)

2. And be it further enacted, &c., That the letters patent alienating such lands shall describe the same as clergy reserves, and that no further reservation in respect of such lands shall be necessary.

3. And be it further enacted, &c., That it shall and may be lawful for the Lieutenant-governor, by and with the advice of the Executive Council, to cause to be invested the monies proceeding from such sales, and also all monies which have heretofore arisen from such sales, in the public funds, in the name of the Receiver-general in England, or in the public debentures of the province, and such investment to withdraw and change, in the whole or in part, from time to time as circumstances may require.

4. And be it further enacted, &c., That it shall and may be lawful for the Lieutenant-governor, by and with such advice as aforesaid, in the name of Her Majesty, Her heirs and successors, to grant and appropriate portions of the said reserves, not exceeding 100 acres in each case, as residences for officiating clergymen or ministers of religion, and for the sites of churches, chapels and places of public worship therein, and in case such clergy reserves shall not be found in the neighbourhood required, to procure by exchange of such clergy reserve, not exceeding 100 acres, or by purchase, for any sum not exceeding 200*l.* in each case, convenient sites for the purposes in this clause mentioned, and to grant and appropriate the lands so required for such purposes; which grant or appropriation shall be made to the officiating clergyman and his successors, as a corporation sole, or to trustees named for the purpose by the respective congregations, as the tenets and discipline of such Churches or denominations of Christians shall respectively require.

5. And be it further enacted, &c., That it shall and may be lawful for the Lieutenant-Governor, with the advice of the Executive Council, to order and direct, by his warrant, the payment of the yearly stipends at present payable to the clergy or ministers of religion out of any public funds in this province, to be paid out of rents of said reserves, and out of the yearly interest accruing on sales of the said clergy reserves, and upon the investment of the proceeds thereof during the incumbency of the present clergymen or ministers.

6. Provided always, and be it further enacted, &c., That nothing in this Act contained shall extend or be construed to extend to authorize the payment of any stipend towards the support of clergymen and ministers of religion, other than such as belong to the Churches of England and Ireland, the Church of Scotland, the United Synod Presbyterians of Upper Canada, the Roman Catholic clergy, and the ministers of the Wesleyan Methodists: Provided further, that no sect or denomination shall be recognized or receive any aid from the said fund unless the parties representing such sects shall acknowledge and subscribe their belief in the doctrine of the Holy Trinity.

7. And be it further enacted, &c., That, notwithstanding any thing in this Act contained, it shall and may be lawful for the Lieutenant-governor, by and with the advice of the Executive Council, to extend occasional assistance to the support and maintenance of the Christian religion and its ministers belonging to denominations of Christians other than those for whom aid is by this Act permanently provided, in the way of grants of portions of the said reserves for religious purposes, or by appropriations of money out of the said interest money.

8. And be it further enacted, &c., That it shall and may be lawful for the Lieutenant-governor, by and with the advice of the Executive Council, to appropriate and direct the payment out of the said rents and interest money of stipends towards the support of clergymen and ministers of religion, duly appointed according to the rules of their respective Church or congregation, in the following cases; that is to say, whenever there shall be shown to the said Lieutenant-governor in Council that there is resident, within reasonable distance of any church, chapel or place of public worship, a population of adults, who shall subscribe a declaration setting forth their desire to attend such church, chapel or place of public worship, and shall subscribe and pay to the said clergyman or minister of religion a yearly sum of money not less than 50*l.*, then and in such case the public stipend or salary to be paid to such clergyman or minister of religion shall be equal to the said private subscription: Provided always, that in no case shall such public stipend amount to more than 200*l.*; and provided also, that the money so subscribed shall be paid to the treasurer of the district in which such church, chapel or place of public worship may be situated, for the use of such clergyman or minister, and the certificate of the said treasurer to that effect transmitted to the Lieutenant-governor before any payment is made, as provided for in this Act; but no such stipend shall exceed the amount mentioned in such certificate as being actually paid to the treasurer, which sum shall be paid over to the clergyman by said district treasurer within ten days after receiving the same.

9. And be it further enacted, &c., That the rents and interest money aforesaid shall be chargeable, in the first place, with the stipends or salaries of the clergy or ministers of religion, now paid out of any public funds in this province: Provided always, that such church, chapel or place of public worship, whose officiating clergyman or minister is paid out of any public funds of this province, shall, upon the death or removal of such clergyman or minister, be entitled to priority over all new claimants as contemplated by this Act.

10. And be it further enacted, &c., That it shall and may be lawful for the Lieutenant-governor, by and with the advice of the Executive Council, and he is hereby required to appropriate and set apart such portion of the clergy reserves or proceeds thereof as may be required to form a suitable provision for a Bishop of the Church of England and Roman Catholic Bishop in this province: Provided always, that the annual income to be derived from such appropriation shall not exceed 800*l.* for the former, and 500*l.* for the latter, and that until such bishops shall be consecrated, the income so appropriated or set apart shall form part of the general fund applicable to the purposes of this Act.

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Enclosure (C.)

11. And be it further enacted, &c., That all applications for public aid under this Act shall be made by memorial to the Lieutenant-governor in Council, on or before the 30th day of June in each and every year, and the private contributions for the support of the respective clergymen and ministers of religion shall be proved to have been duly paid before that time, and that until the fund arising from the rents and interest aforesaid shall be fully equal, after paying the stipends and annuities hereby charged upon the said fund, to pay an equal amount of stipends to the amounts contributed privately, the funds remaining in the hands of the Receiver-general shall be distributed amongst the applicants, in proportion to the amount of the private contributions in their favour respectively: Provided always, that no new applications shall be favourably entertained until, by the increase of the said fund, the stipends payable to the clergymen or ministers of religion whose applications shall have been approved shall equal the full amount of the private contributions, according to the true intent and meaning of this Act.

12. And be it further enacted, &c., That a book shall be kept in the office of the provincial secretary and registrar, in which shall be yearly entered the township or place at which each church, chapel or place of public worship shall be erected, the name of the officiating clergyman, the number of adults attached to his congregation, and the name of the Church or denomination of Christians to which he belongs; which entries shall be founded on yearly returns, signed by the respective clergymen or ministers of religion, certified under the hands of at least twelve freeholders of his congregation.

13. And be it further enacted, &c., That no public aid under this Act shall be given to any clergyman or minister of religion who shall not, in the first place, take and subscribe the oath of allegiance, and who is not a natural-born or naturalized subject of the British Crown.

14. And be it further enacted, &c., That no public aid shall be extended to any clergyman or minister of religion who shall not produce satisfactory proof of his ordination and appointment by authority of some Church or denomination of Christians having within this province, or within Her Majesty's dominions, due power of ordination and appointment, or unless such clergyman or minister of religion shall be wholly devoted to his religious duties, without secular employment, other than the education of youth.

15. And be it further enacted, &c., That in any case of one clergyman or minister of religion having the care of two or more congregations, amounting in number to 100 adults, who shall subscribe and declare as in the sixth clause of this Act mentioned, and who shall subscribe and pay, towards the support and maintenance of such clergyman or minister of religion, a sum not less than 50 l. as in the said clause mentioned, then and in such case, and until the said congregations shall increase so as respectively to come within the scope and meaning of the said sixth clause, it shall and may be lawful for such public aid and stipend to be paid to such clergyman or minister of religion in like manner as if the private aid and subscription came from one congregation.

16. And be it further enacted, &c., That nothing in this Act contained shall extend or be construed to extend to interfere with or deprive any bishop, synod, conference or other Church government of any power of appointment, suspension or deprivation of any clergyman or minister of religion, but that the functions of Church government in the several Churches and denominations of Christians shall continue to be exercised as heretofore; and that no clergyman or minister of religion shall be considered as having any right to any of the public aid, stipend, or land or benefit, other than he shall hold under, during and by virtue of his incumbency.

17. And be it further enacted, &c., That accounts of the receipt and expenditure, state of investment, together with a full report of all proceedings under this Act, shall be laid before the Houses of the Provincial Parliament within one month from the beginning of each session.

18. And be it further enacted, &c., That the 35th, 36th and 37th clauses of an Act passed in the Parliament of Great Britain in the 31st year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," be and the same are hereby repealed, in so far as the said clauses confine the disposition of the lands mentioned therein to the support and maintenance of a Protestant clergy.

19. And be it further enacted, &c., That for and notwithstanding any thing in the said last-mentioned Act contained, and also for and notwithstanding any act, law or usage to the contrary, no bishop, rector, priest, synod, conference or other church dignitary or government shall levy any tithes or church dues, or other compulsory payments for the support of religion, or exercise any temporal or ecclesiastical jurisdiction over the laity, or over any clergy or ministers not belonging to his or their Church or denomination of Christians.

20. And be it further enacted, &c., That it shall be lawful for any clergyman or minister of religion, belonging to any Church or denomination of Christians named in this Act, to celebrate marriage according to the forms of their respective Churches or denominations, without any license from the quarter sessions, or qualification other than their respective ordination or appointment, any law or usage to the contrary thereof in anywise notwithstanding.

Enclosure

Enclosure (D.) in No. 6.

No. 6.
Sir G. Arthur to
the Marquis of
Normanby,
14 May 1839.

Enclosure (D.)

A BILL to dispose of the Lands commonly called "Clergy Reserves," and for other purposes therein mentioned.

WHEREAS by an Act passed in the 31st year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," it was enacted, that it should and might be lawful for his Majesty, his heirs and successors, to authorize the Governor or Lieutenant-Governor of each of the provinces hereinbefore named respectively, or the person administering the government therein, to make, from and out of the lands of the Crown within such province, such allotment and appropriation of lands for the support and maintenance of a Protestant clergy within the same, as might bear a due proportion to the amount of such lands within the same, as have at any time been granted by or under the authority of his Majesty, and that whenever any grant of lands within either of the said provinces should thereafter be made, by or under the authority of his Majesty, his heirs or successors, there should at the same time be made in respect of the same a proportionable allotment and appropriation of lands for the above-mentioned purpose within the township or parish to which such lands so to be granted should appertain or be annexed, or as nearly adjacent thereto as circumstances would admit; and that no such grant should be valid and effectual unless the same should contain a specification of the lands so allotted and appropriated in respect of the lands to be thereby granted; and that such lands so allotted and appropriated should be, as nearly as the circumstances and nature of the case would admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and should be, as nearly as the same can be estimated at the time of the making such grant, equal in value to the one-seventh part of the lands so granted: And whereas it was in and by the said in part recited Act further enacted, that all and every the rents, profits or emoluments which might at any time arise from such lands so allotted and appropriated as aforesaid, should be applicable solely to the maintenance and support of a Protestant clergy within the province in which the same should be situated, and to no other use or purpose whatever: And whereas, in pursuance of the said Act, such proportionable allotments and appropriations of lands as aforesaid have from time to time been reserved for the purposes therein mentioned, which lands are known by the name of clergy reserves: And whereas it is wisely provided by the said Act, section 41st, that the several provisions hereinbefore contained respecting the allotment and appropriation of lands for the support of a Protestant clergy within the said province, and also respecting the constituting, erecting and endowing parsonages or rectories within the said provinces, and also respecting the presentation of incumbents or ministers to the same, and also respecting the manner in which such incumbents or ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express provisions for that purpose contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said provinces respectively, and assented to by his Majesty, his heirs and successors: And whereas, by a message to both Houses of the Provincial Legislature, bearing date the 25th day of January in the year of our Lord 1832, his Excellency Major-general Sir John Colborne, K. C. B., signified to both Houses his Majesty's most gracious invitation to consider how far the powers given to the Provincial Legislature by the Constitutional Act, to vary or repeal that part of its provisions which relate to the lands allotted and appropriated in this province to the support and maintenance of a Protestant clergy, could be called into exercise for the spiritual and temporal interests of his Majesty's faithful subjects in this province: And whereas it is expedient for the peace, welfare and good government of this province, that this power should be now exercised; Be it therefore enacted by The Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," and by the authority of the same, That the 36th and 37th clauses of the said Act of the Imperial Parliament, passed in the 31st year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," be and the same are hereby repealed.

2. And be it further enacted by the authority aforesaid, That all the lands heretofore set apart within this province, under the provisions of the said Act passed in the 31st year of the reign of his late Majesty King George the Third, for the support and maintenance of a Protestant clergy, and now ungranted, be sold, alienated, granted and conveyed in fee-simple, in like manner and subject to the same regulations, and under and upon the same conditions, limitations and provisions, as now are or at any time hereafter shall be in force and use for the sale, alienation, grant and conveyance of Crown lands in this

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this province: Provided always, that nothing in this Act contained shall be construed to make void any sale heretofore made for which the patent from the Crown has not issued, but such sales shall be and the same are hereby declared to be as valid as if the same had been made under the provisions of this Act: Provided always, that all sums due or hereafter to become due shall be applied in the same manner as the proceeds of sales made under this Act.

3. And be it further enacted by the authority aforesaid, That the monies to arise and to be produced and henceforth received from any such sale or sales shall be paid into the hands of Her Majesty's Receiver-general of this province, to be appropriated and applied by the Provincial Legislature for religion and education.

— No. 7. —

(No. 135.)

COPY of a DESPATCH from Lieutenant-Governor Sir *G. Arthur*, K. C. H., to the Marquis of *Normanby*, dated Toronto, 8 June 1839.

No. 7.

Sir G. Arthur to
the Marquis of
Normanby,
8 June 1839.

My Lord,

IN my Despatch (No. 110) I apprized your Lordship of the circumstances under which, after many weeks spent in fruitless and unsatisfactory discussions, a Bill for the disposal of the whole of the clergy reserves, and for the subsequent appropriation of their proceeds, by the Imperial Parliament, to religious purposes, was at length agreed upon by both Houses of the Provincial Legislature, at nearly the last moment of the session.

Having transmitted this Bill to your Lordship, in conformity to the 42d section of the Constitutional Act, I shall now proceed to submit for your Lordship's consideration some remarks upon this very important measure, confining myself principally to the investigation of facts, and abstaining, as far as possible, from any expression of opinion upon those great points, which Her Majesty, with the advice of Her Parliament, will consider and dispose of in the manner most conducive to the temporal peace and concord, as well as the effectual advancement of the spiritual interests of the loyal people who occupy this portion of Her Majesty's dominions.

By the Act 14 Geo. 3, cap. 83, regulating the government of the old province of Quebec, and securing to the Roman Catholic subjects of the Crown in that colony the free exercise of their religion, and to the clergy of the Church of Rome all their accustomed dues and rights from the members of that Church, a right was expressly reserved to the Crown of "making such provision out of the said accustomed dues and rights for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant clergy, as might be thought from time to time necessary and expedient."

In the year 1791, when the King was pleased, with the advice of Parliament, to confer on this province its present form of government, and separate it from the French settlements in the eastern parts of the old province of Quebec, now known as Lower Canada, it was determined to provide, by a liberal endowment of land, for the support of the Protestant religion; and a reservation was accordingly directed to be made of a portion of the surveyed lands equal in quantity to a seventh part of the lands granted throughout the province. The lands so ordered to be set apart, and subsequently called clergy reserves, were to be permanently appropriated for the support and maintenance of a Protestant clergy, and, as the Declaratory Act of the Provincial Legislature passed a few years since, intituled, "An Act relative to the Right of Tithes within this Province," fully shows, were intended to be substituted for the tithes which, in the previous state of things, might have been collected for Protestant purposes.

In pursuance of this provision of the Constitutional Act, lands have from time to time been set apart, until, in the progress of surveys and settlements, the quantity of land reserved for the support of a Protestant clergy has amounted to nearly 2,400,000 acres.

As these reserves were found in a long course of years to have yielded a very slender revenue, it became a question of policy, about the period when emigration to Canada had commenced on an extensive scale, whether the original principle of the appropriation might not be partially set aside without prejudice to religious interests.

The

This Act was passed
in 1821, and re-
ceived the Royal
Assent in 1823.

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The discussion of this question ended in the passing of the Imperial Act 7 & 8 Geo. 4, cap. 62, by which the sale of a fourth part of the whole actual reservation was authorized, and the proceeds of the sales directed to be vested in the national stocks, the semi-annual dividends thereupon being held applicable to the improvement of the remaining reserves, or to the original purposes of the appropriation.

In pursuance of the policy thus adopted, I find the clergy reserves have been sold to the extent of nearly 500,000 acres, leaving about 100,000 acres yet liable to sale under the provisions of the Act.

In forming this estimate, it is, however, to be observed, that such lands only as have been actually taken in specification on account of lands granted are to be considered as clergy reserves liable to immediate sale.

By the Provincial Bill, which now awaits the sanction of the Imperial Parliament, a total change in the original plan of endowment is proposed to be effected, by providing that all the remaining reserves, *i. e.* about 1,800,000 acres, shall be sold in the manner in which the Crown lands are now alienated, and that the proceeds thereof shall be applied, under the directions of the Imperial Parliament, to religious purposes.

In the reference of this important matter to the wisdom of Parliament a preliminary question presents itself for consideration, *viz.*, whether religion is to be sustained in this province by an inalienable endowment of land, or by an endowment in money funded in national or other public securities, and to be produced at the present stage of settlement and cultivation by the sale of the lands reserved within the several townships of the province.

With respect to a fixed endowment in land, the chief advantage to be derived from it appears to consist in the increasing revenues which land would yield as the country advanced in cultivation and wealth, and in the number of its inhabitants. Such increase of profits or emoluments would be found to bear some sort of proportion to the growing wants of the people for spiritual instruction.

Looking beyond the present age, and to the period when this country, instead of 400,000, may contain 4,000,000 souls, we may feel assured that lands which now produce a yearly rent of 5 *s.* will a century hence yield 20 *s.* or 30 *s.* per acre, and that lands which now would not sell for more than 10 *s.* or 15 *s.* per acre will then be worth nearly as many pounds.

But there is another advantage in an endowment in land, which arises from its security. While funded property is frequently liable to great and sudden fluctuations in value, to losses, and even sometimes to ruin, land remains a sure and never-failing means of support, which in the lapse of many ages can be but momentarily affected by the vicissitudes of the seasons, or by the embarrassments resulting to nations from a vicious and ill-regulated currency, or the excessive developments, periodically recurring, of a speculative commercial spirit.

Among the schemes of settlement brought forward in the progress of the discussion at the recent session, a middle course, between an entire alienation of the land and a mere funded provision for the maintenance of religion, was suggested, having it in view to assign small portions of land to the ministers of religion in each township as glebes, and providing them with stipends from the revenues derivable from the sales of the remainder of the reserves.

This plan of settlement, however, though it certainly had merit, and claimed some consideration, did not ultimately obtain the general approbation of the Provincial Legislature.

But, without engaging in a speculative inquiry into the comparative advantages of endowments in land and such as rest entirely upon investments in public stocks, the subject is to be viewed practically in connexion with the present posture of the question respecting the clergy reserves, and the peculiarities existing in the social and political condition of the colony.

A departure has been already made from the original scheme for supporting the clergy by means of the rents and profits of the reserved lands, and of these lands nearly one-fourth part has been sold.

It has also been considered by Her Majesty's Government that the clergy of the Church of Scotland may participate, conjointly with the Church of England, in the revenues arising from the sales of the reserves, and the Despatches from the Colonial Office contain repeated expressions of the anxiety felt by Her Majesty's Ministers, that not only the Church of Scotland, but the other large communities of Christians within the province, should receive from the

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funds produced by the sales an assistance proportioned to their growing wants and demands.

The Bill transmitted to your Lordship opens for imperial legislation a field even more extensive than Her Majesty's Ministers may have expected; for it admits of an appropriation of the rents and profits arising from future sales to religious purposes generally, and without restricting them to such only as are Protestant.

It appears, indeed, to go much beyond the object of the Imperial Act 7 & 8 Geo. 4, cap. 62, in authorizing not only the interest or profits of the sums of money to be produced by the sales of lands, but even those capital sums also, to be applied to any immediate religious purpose as fast as they may be collected.

But as the application of the money directly produced by the sale of the whole mass of reserves to present and fleeting purposes would be at complete variance with the original design of the appropriation, as well as the views which appear to have been always entertained by Her Majesty's Government, such a course can hardly be favoured so long as the support of religion forms an object of public policy.

It may, indeed, be reasonably presumed that the Provincial Legislature, notwithstanding the latitude of construction which the Bill may bear, did not intend that the benefits to be dispensed by it should be transient, and open to the participation of none but the passing generation.

In devoting to religious purposes the funds arising from the sale of a portion of land equal in value to one-seventh of all the lands granted in the province, it can scarcely be supposed that there was any other object in view than to extend the blessed influences of the Christian faith, by affording to the people, steadily and permanently, through successive generations, the means of religious instruction; and in the carrying of such views duly into effect, it seems most prudent and judicious that the interest on the principal produced by the sales, and vested in the public funds, and the *interest alone*, should be annually distributed in some determinate and satisfactory manner.

On the presumption that views somewhat similar to these may be entertained by Her Majesty's Government, it would have afforded me the utmost gratification if the sources of information within my reach had enabled me on this occasion to transmit to your Lordship a full and particular statement of the numbers belonging to the various religious communities at present existing in the province.

Great and manifold are the differences of opinion which have prevailed upon this point; and in order to terminate them, a provision was last year introduced into the Act for the regulation of the duties of township officers, requiring each assessor, in taking the customary annual census, to specify in separate columns the various religious professions of the inhabitants within the circuit of his duty.

A few of these returns have been already received from the clerks of the peace; but as the time for their transmission to the Government has been extended by the Act until the 1st day of July in each year, I shall not immediately have in my possession the means of supplying your Lordship with a full return for all the districts of the province. I shall not, however, lose a moment in transmitting a general abstract as soon as the returns on which it must be founded shall have reached this Government.

The tabular statement marked (A.), which is herewith enclosed accordingly, contains all the information upon this subject which I can now submit to your Lordship.

One of the points most controverted is the actual numerical strength of the Church of England in this province, which on one side seems to have been as systematically depressed as on the other it may have been unreasonably raised. If the present returns may be considered as warranting a conjecture upon this head, I should say, that upon the completion of the census, the members of the Church of England will be found to form the most numerous body of Christians in the province, and that next in succession to that body, in point of numbers, are to be ranked the members of the Church of Scotland, the Roman Catholics, and the Methodists of the British Wesleyan connexion.

In offering these explanations in connexion with the very imperfect religious returns which I now submit, I am anxious to guard your Lordship against errors
injurious

(A.)

injurious to the interests of any of the religious communities to which I have adverted.

It is certainly my impression that I am borne out in my estimates by the actual strength of the several religious bodies; but it is very probable that some of the sects may have formed a conjectural estimate of their own numbers very different from mine.

Many inaccuracies are found naturally to slide into the ordinary census, even when carefully taken by the most conscientious persons, and these errors may perhaps be multiplied when a religious census is required to be taken, more especially at a moment of peculiar excitement on questions connected with religion. Hence I consider that it will only be after an opportunity shall have been afforded of comparing the returns of the population for a few consecutive years, that a satisfactory approach to exactness in estimating the actual relative strength of the various Christian denominations in the province can be arrived at. In the meanwhile I am of opinion that no sect will be satisfied with the returns: it is indeed probable that in general they will be greatly disappointed.

I have been thus careful in laying before your Lordship all the information which I now possess, respecting the numerical strength of the sects, under an impression that, however imperfect, it may yet be in some measure acceptable.

When the returns from all the districts shall have been received, they will supply your Lordship with a much better general view of the diversities of religious profession which now exist in the province than the present statement. In the meanwhile I am sure that your Lordship will remark with pain the great numbers of persons who are returned as belonging to *no religious denomination whatever*.

Your Lordship may perhaps next look to me for some explanation of the clashing views and wishes of the people of Upper Canada upon the subject of the reserves. It was at first my full intention to undertake this task; but on a careful review of its nature I have become deeply sensible of its extreme difficulty and delicacy, and of the hazard which, if it were persevered in, I should incur of doing injustice to the claims of particular denominations. Thus impressed, I have thought it most advisable to forego my original design; and I have more readily come to this conclusion because the whole course of the discussions respecting the reserves is now fully before Her Majesty's Government, and the great diversity of opinion prevailing in the colony with regard to their appropriation is a fact well known in England.

A clamour will naturally be made by such as dislike and disapprove of the measure for replacing the reserves under the control of the Imperial Parliament for a renewed appropriation; a similar display of hostility would probably accompany any other conceivable mode of dealing with this most arduous question.

I am, however, induced, after a close and anxious inquiry, to believe (and I hope I am not mistaken in this belief) that the great mass of the considerate and loyal people of the country sincerely desire the extinction of so great a source of excitement as the clergy reserves have long supplied to the lovers of agitation, and that they would gladly see those lands wisely and equitably appropriated to religious purposes by the supreme legislative power of the empire.

I have no hesitation in adding that, according to my impressions, an effectual settlement of the question can now be accomplished by no other than that supreme authority, and that any further delay which may be suffered to occur in resolutely grappling with and overcoming its difficulties must inevitably produce consequences the most hurtful to the common peace and welfare of the country.

Presuming, from these considerations, that a decisive and final measure will be founded by Her Majesty's Government upon the provincial Bill, I have ordered some explanatory statements respecting the reserves to be prepared; and in submitting them to your Lordship, I entertain no doubt that, in the devising of any general scheme for the appropriation of the funds which may be produced by the sale of the clergy reserves, regard will be shown to the existing claims for aid of those religious bodies to whom specific allowances have been annually granted from the Crown funds, and that under any new arrangements which may be formed with respect to the casual and territorial

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revenue, or to the appropriation of the monies produced by the sale of the reserves, Her Majesty's Government will hold those claims valid and binding to the full extent to which the royal faith may be understood as having been pledged.

(B.)

By a statement marked (B.), which I have the honour to enclose, the total amount of the aid annually granted to the five principal religious communities is shown to be 13,548*l.* currency.

Of the sum paid to the ministers of the Church of England, amounting to 8,568*l.* 0*s.* 2*d.*, a certain proportion is defrayed from the monies entered in the account (E.), commonly called the Clergy Fund, and the deficiency is supplied from the casual and territorial revenue.

The Clergy fund comprises the rents received on leased lands, the dividends upon the monies vested in the national funds, and the interest collected by the Commissioner of Crown Lands on sales of land. The amount of annual revenue arising from these several sources is expended in paying the salaries of the ministers of the Church of England, in conformity to a Despatch from the Secretary of State (No. 20), dated 5th August 1834, to which Despatch, and the printed papers it enclosed, I beg to draw your Lordship's particular attention.

The whole of the allowances to the other religious bodies have hitherto formed charges upon the casual and territorial revenue.

By one of the Bills which your Lordship will find among those reserved for Her Majesty's consideration, it is, however, proposed, that the casual and territorial revenue shall be surrendered to the control of the Provincial Legislature, upon certain conditions, which do not embrace any provision for the religious bodies. I have in a more particular manner noticed these conditions, and the extent to which they correspond with the terms proposed by Her Majesty's Government, in another Despatch, which your Lordship will receive simultaneously with this.

No. 118.

Should this Bill be sanctioned, it would then remain to provide the religious grants, hitherto supplied by the Crown revenues, from other sources; and I am not aware that such can be found, except, to a certain extent, in the improving revenues which may arise from the sale of the clergy reserves.

Those revenues are not at present equal to the admitted demands of one of the five parties who claim public aid, viz., the Church of England; but it forms a fit subject for consideration, whether some means may not be devised for speedily rendering them capable of sustaining the charges which the Assembly wishes to cast upon them.

(C.)

According to the statement of the Commissioner of Crown Lands, which I enclose, marked (C.), the total receipts of money upon sales paid into the military chest, since the year 1829, for investment in the public funds, amounts to 108,475*l.* 6*s.* 11*d.* currency.

No. 43.

These payments have been made in pursuance of the Despatch from the Colonial Department, dated 1st October 1831.

By it instructions were given with respect to the mode in which the dividends upon the stock, periodically received by Mr. Sargeant, were to be drawn and applied to the use of the Church of Upper Canada; and upon reference to the office of the Receiver-general of the province, I find that drafts, grounded on those instructions, have been made upon the Board of Treasury since the year 1833, at the periods and to the extent specified in the enclosed statement marked (D.)

(D.)

The irregularity in the amount and date of the several drafts which is apparent on the face of this statement, and which I take this occasion to notice, has arisen, as I learn from the Receiver-general, from the circumstance that no regular exhibition has hitherto been made to this Government of the state of the investment, or of the dividends periodically received upon the stock.

It is fit that I should draw your Lordship's attention to the expediency of causing a semi-annual statement respecting these funds to be transmitted to this Government, in order that the Receiver-general may be directed to draw at regular periods for the dividends, and neither for more nor for less than their exact amount, as it may from time to time appear in the account.

I understand

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I understand from Mr. Dunn that of late he has periodically received from Mr. Sargeant a statement of this account; but it does not appear to be made out in so full a manner as, under present circumstances, would appear to be essentially necessary.

The statement marked (E.), which I transmit, exhibits the amount of annual receipts since 1st June 1833 for rent of leased reserves, and the quantity of land now yielding rent, which is stated at 300,000 acres.

(E.)

Under the operation of the Bill for the further disposal of the reserves (if it should be sanctioned), this source of revenue will be gradually absorbed, in proportion as the sales of those lands are proceeded with, and the extent under lease is reduced; in the meanwhile, however, the sums collected for rents in arrear will continue for a short time to keep the fund moderately productive.

The statement marked (F.) shows the sum now in advance from the Crown funds in aid of the Clergy fund, or, as it is called, Account (E.)

(F.)

The Parliamentary grant for the Missionaries of the Church of England ceased on 1st July 1832, and the support of those clergymen was thus suddenly thrown upon the revenue arising from the clergy reserves, unaided by any other resources.

For the latter six months of the year 1832, the sum of 4,600*l.* was required for the salaries of the archdeacons and other clergy; and the expenditure for the same purpose in the year 1833, including a few other minor disbursements connected with the Church, and deducting the sum of 599*l.* 5*s.* 8½*d.* remaining in the fund on the 1st January 1833, amounted to 9,918*l.* 17*s.* 10½*d.*, while the income for the same year only amounted to 3,457*l.* 9*s.* 1½*d.*, showing a balance against the fund of 6,461*l.* 8*s.* 9*d.*

The revenue, however, improved in the following years, and by the method pursued (in conformity to a Despatch, dated 5th August 1834, authorizing payments from the Crown funds,) the sum in advance has been gradually reduced to 4,230*l.* 4*s.* 3*d.* sterling.

No. 221.

This debt, which under present arrangements is in a rapid course of reduction, should be taken into consideration when any new arrangement is made with respect to the payment of the clergy.

From the statement marked (C.) your Lordship will collect that the total sales of clergy reserves amount to the sum of 326,911*l.* 19*s.* 1*d.*, that the sum received and vested amounts, as already mentioned, to 108,475*l.* 6*s.* 11*d.*, and that the amount remaining to be paid is 199,990*l.* 9*s.* 4½*d.* currency.

The average price obtained at these sales is about 13*s.* 2*d.* currency per acre.

If the remaining reserves should be offered for sale by virtue of the Bill now under consideration, the average rate of purchase could not be so high as 13*s.* 2*d.* per acre, because the best lots have been most sought after, and among the unsold lots there must be a proportionable number barren or swampy, and comparatively worthless. Hence it would seem unreasonable to estimate the remaining lands at a price exceeding 10*s.* currency per acre; and if eventually the sales should reach that average, the produce would be about 900,000*l.* I am aware the argument may be raised that the inferior lands will have an increased value from the fact of the settlement and cultivation of the superior soils; but I should not confide in any such calculation.

After deducting from this sum of 900,000*l.* the annual expense of management, it would form, with the present amount of actual sales, a total fund, applicable to religious purposes, of about 1,200,000*l.* currency.

It is proper, however, to add, that the day is yet distant when such a result may be attained.

Another return, marked (G.), which has been prepared in the office of the Commissioner of Crown Lands, and which I now transmit to your Lordship, affords a general and comprehensive view of the state of the sales made by that officer, and the future prospects of revenue.

(G.)

It exhibits the quantity of land sold and the quantity remaining unsold, the total amount of sales (semi-annually specified) from the year 1829 to the year 1838 inclusive, the estimated amount remaining unpaid on sales on 25th May 1839, the estimated amount due and unpaid on 30th June instant, the interest on the amount unpaid accruing annually, the amount of interest due accruing annually,

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annually, and the sum of the principal and the interest estimated to be due on the 30th instant.

These papers will, I trust, furnish your Lordship with the means of estimating the extent to which it may be practicable at the present time to transfer to the clergy revenues the burden of the annual appropriations in aid of the religious bodies, which have hitherto been chiefly drawn from the Crown funds.

In addition to the annual dividends arising from the public stock, managed under the directions of the Board of Treasury, of which I have no exact information, and the annual income derived from leased lands, which has been already explained, there are payments (noted in the return marked (C.)) made, on account of interest, to the Commissioner of Crown Lands, with reference to which, for the sake of facilitating your Lordship's inquiries into this important branch of the subject, I transmit a copy, marked (H.), of the instrument by which the sale of a clergy reserve is usually acknowledged, and which exhibits the conditions on which it is made.

Your Lordship will see that the payments are extended in all cases, except when the purchasers choose to make them at earlier periods, over a term of nine years, and that the interest does not become payable upon any instalment of principal until such instalment shall itself be due.

This system of sales is, I believe, open to no objection; it accommodates itself to the means and circumstances of the purchaser, and to the general state of things in this country. I am not aware that it would be practicable to hasten in any advantageous manner the collection of instalments upon sales. Much, indeed, must always depend on the contingencies of harvests and prices; and when in both respects they are favourable to the farmer, payments for land are usually more prompt and frequent than at periods when circumstances are discouraging and untoward.

The returns show that, while the annual amount of interest which now accrues upon sales not yet realized is estimated at 12,048*l.* 11*s.* 0½*d.*, the total amount of actual receipts upon account of interest for a term of ten years is but 13,646*l.* 19*s.* currency.

It is at the same time to be seen, by a reference to the fifth column of the Return marked (G.), that instalments have annually fallen in arrear, and that, in fact, there are instalments still due for every year since 1829, on which interest continues to accrue, as stated in column No. 7 of the same Return.

The great uncertainty which is thus proved to attend the payment of instalments on sales is of a nature to disturb any calculation which may be attempted respecting the prospective annual receipts of interest.

The average receipts upon this account during the whole period reaching from 1831, when the system of sales began fairly to take effect, to the close of the year 1838, a period of eight years, is 1,480*l.* 9*s.* 3*d.*, and for the latter half of that term 2,268*l.* 6*s.* 8*d.* currency.

The amount of principal, which is estimated by the fifth column in the Return marked (G.) to be now due, viz. 76,120*l.* 16*s.* 8*d.*, in connexion with the amount of interest which has accrued on the aggregate of sales, estimated at 23,000*l.*, holds out a prospect of increased revenue from this source.

With respect to the present year, I am disposed to estimate the receipts of interest at 4,000*l.*; possibly they may amount to 5,000*l.*, as the sum of 1,800*l.* has already been paid within the current year; but I think it important that they should not be over-rated.

Assuming then 4,000*l.* currency as the limit for the present year, I shall proceed to submit to your Lordship an estimate of the total amount of the revenues which appear to be available for the religious charges. First, on the public stock of Great Britain, which, in the absence of any statement, I set down at hazard as 96,000*l.*, the dividends for the year, at three per cent., would make 2,880*l.* sterling, which, with premium, would be

Rents of leased reserves	-	-	-	£. 3,500
Interest collected	-	-	-	1,100
				4,000
				£. 8,600

But the sum to be provided is 13,548*l.*, showing a deficiency in the supply of 4,948*l.* currency.

Looking

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Looking forward a few years, and estimating the effect of the ordinary process of payments on purchases, and corresponding investments of the sums received in the public funds of the United Kingdom or of the province, I think much is to be expected from the accumulation of interest upon the principal to be realized from sales, which at the present time amount, as stated in the eighth column of the statement marked (C.), to nearly 200,000 *l*.

The income from this source will progressively improve, and bear a proportion to the amount of the unpaid principal created by the sales of the land and the degree of punctuality observed by the purchasers in fulfilling their engagements; while it will at the same time occur, that as fast as instalments of the principal are collected and invested in public stock, a more regular and steady income will be provided in another form.

But while time is required for the due development of the resources which the reserves are capable of yielding, and which, under the most favourable circumstances, cannot satisfy all claimants, your Lordship will remark, that there is no immediate prospect of extending that additional degree of aid to the ministers of various religious denominations which, in consideration of the spiritual destitution of the province under the circumstances of an increasing population, your Lordship will naturally be most solicitous to afford.

There is a mode of increasing the annual revenues which yet remains to be noticed; viz. the sale of the national stock, and the investment of the proceeds thereof in provincial securities, by which measure the interest obtained would be increased from three per cent. payable in London, to six per cent. payable here.

The propriety of such a transfer of the investment from national to provincial securities will depend much upon the view which Her Majesty's Government may take of the state of the finances of this country. Into this subject I have fully entered in another Despatch (No. 131).

Assuming, however, that all the means of improving the income from the reserves have been resorted to, I find that there will be a deficiency, which, if the Bill relating to the casual and territorial revenue should be assented to in its present shape, can be supplied from no other disposable fund.

It is true that, to meet the exigencies of the day, the capital constituting the endowment may be trenched upon; but I hold this point as, at the present moment, suitable only for discussion by Her Majesty's Ministers and the Imperial Parliament, since it involves a question in which future generations are peculiarly interested, viz. whether or not there shall be a permanent provision for the inculcation of the Christian faith among the people of this province in all time to come.

Although I have bestowed much time upon this important subject, I think it proper to inform your Lordship that much still remains for me to do in the investigation of many details connected with the clergy reserves; for although I have thought it most prudent to keep within bounds in estimating their proceeds, I shall be much disappointed if they cannot be made, at a very early period, far more productive.

In my Despatch of 14th ultimo, I expressed my belief that meetings would be called for the purpose of prolonging the agitation which has existed in this country respecting the clergy reserves, and of influencing the proceedings in England upon the Bill authorizing their disposal; I am, however, happy to say that my anticipations upon this point have not been realized. No public meetings, that I am aware of, have been held in any part of the country, and the agitation that I expected seems confined to the columns of some of the newspapers.

I have, &c.
 (signed) *George Arthur.*

No. 110.

STATEMENT (A.)

GENERAL NUMERICAL RETURN of the several RELIGIOUS BODIES in Upper Canada, founded on the Returns of the Clerks of the Peace, so far as they have been made, for the Year 1839.

DISTRICTS.	METHODISTS.				PRESBYTERIANS.						BAPTISTS.				Returned under the general term of Baptists, without reference to distinctions.	Open Communion.	Close Communion.	Free Will.	Lutherans.	Dutch Reformed Church.	Mennonists.	Tunkers.	Moravians.	Quakers.	Society of Peace.	Universalists.	Restorationists.	Unitarians.	Lutheranians.	Deists.	Free Thinkers.	Irvingites.	Reformers.	Christians.	Bible Christians.	Disciples.	Mormons.	Other Denominations.	No Profession.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
	Church of England.	British Connexion.	Episcopal.	Canadian Wesleyan.	Primitive.	Under the general term of Methodists, without distinction.	Church of Scotland.	Seceders from the Church of Scotland.	Independents.	Congregationalists.	Nonconformists.	Under the general term of Presbyterians, without reference to Sects.	Roman Catholics.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
LONDON -	8,768	3,375	2,102	1,504	-	-	3,351	618	117	263	-	2,814	1,850	-	1,001	2,638	611	9	-	166	57	-	1,109	-	-	90	7	-	-	-	-	-	-	-	-	27	-	-	4	-	6,727																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																						
TALBOT -	353	166	425	355	-	-	43	4	2	21	18	238	52	-	87	941	10	37	-	36	7	-	22	-	-	28	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

REMARKS on the foregoing STATEMENT, applied to each DISTRICT separately.

LONDON.—There are six townships not returned, viz. Aldborough, Dorchester, North and South Dunwich, Blandford and Zorra, together containing a population of 5,000 souls; Zorra, containing 2,461 inhabitants, is chiefly settled by Scotch emigrants. In other respects the Returns are complete. Population, 38,539.

TALBOT.—This Return is stated by the Clerk of the Peace to be erroneous. The total population of the district is returned as amounting to 9,046, but the religious census gives only 2,845, and probably comprises but the heads of families, which, averaging four persons for each family, would nearly agree with the general statement of the population.

GORE.—The Returns for this district have not been received. Its total population last year was 50,319. In Nelson 259 persons are returned generally as of "other denominations," who are understood to be principally Canadian Wesleyan Methodists. In Waterloo there are 2,382, and in Wilnot 854 persons returned in the column of "other denominations," who are understood to be principally Mennonists and Tunkers. The Return for Ancaster, which contains, according to a former census, 2,460 souls, is exceedingly defective. The assessors for Barton, containing 1,401 souls, and the town of Hamilton, containing 3,116, have not yet made their Returns; and those for Brantford, containing 4,445, and for Esquewaugh (a Scotch settlement), containing 2,635 souls, have returned the ordinary census, without any information whatever respecting religious denominations.

REMARKS on the foregoing Statement—continued.

NIAGARA.—The Returns for this district are complete, with the exception of the township of Cayuga, which has been heretofore stated to contain 673 souls. The total population of the district is 30,522; but some inaccuracy must assuredly exist in the Return of not less than 10,140 souls in the county of Lincoln, as belonging to no religious community.

HOME.—The Returns for this district are not complete. Its population last year amounted to 57,314 souls. The Returns for the following townships are deficient; viz. Caledon, 1,422; Etobicoke, 1,727; W. Gwillimbury, 2,145; Sunnidale, 146; Orillia, 139; Tiny, 293; Tay, 81. The St. Lawrence Ward of the city of Toronto.—The religious Returns of this district are very unsatisfactorily made, in some cases they have been totally omitted, and in others the heads of families only have been returned.

NEWCASTLE.—The total population of this district is 35,755. Returns are deficient for Verulam, 205; Harvey, 68; part of Emily, (about) 200.

PRINCE EDWARD.—This district contains 13,212 souls. The Clerk of the Peace reports that the Methodists are over-rated in these Returns. The assessors for Hallowell and Ameliasburgh are represented as having included within that denomination all persons who did not positively belong to some other.

EASTERN.—The Return for this district is complete. Population, 28,827.

BATHURST.—No regular Returns have been received from this district. Its total population is 23,436.

No. 7.
Sir G. Arthur to
the Marquis of
Normanby,
8 June 1839.
Statement (B.)

STATEMENT (B.)

ANNUAL PAYMENTS to RELIGIOUS BODIES in *Upper Canada*, to which the Faith of
Her Majesty's Government is pledged.

	STERLING.	CURRENCY.
	£. s. d.	£. s. d.
Clergy of the Church of England - - -	7,711 4 1	8,568 - 2
Presbyterian Clergy in connexion with the Church of Scotland - - - - -	1,582 - -	1,757 15 6
Presbyterian Ministers of the United Synod of Upper Canada, not in connexion with the Church of Scotland - - - - -	700 - -	777 15 6
British Wesleyan Methodists - - - -	700 - -	777 15 6
Roman Catholic Bishop and Priests - - -	1,500 - -	1,666 13 4
£.	12,193 4 1	13,548 - -

STATEMENT (C.)

STATEMENT showing the Amount of CLERGY RESERVES sold in *Upper Canada* in each Year since 1828, the Number of Acres sold in each Year, the Total Amount for which sold, the Total Amount of Money received in each upon such Sales, distinguishing Principal from Interest, the Disposal of Sums received on account of Principal and Interest, the Total Amount invested or paid over, the Annual Amount of Interest accruing upon Sales not yet realized, and the Amount of Principal remaining unpaid upon such Sales, to the 30th day of April 1839 inclusive.

Year.	Number of Acres sold in each Year.	1. Total Amount for which sold (Provincial Currency).	2. Total Amount of Money received in each Year (Principal).	3. Total Amount of Money received in each Year (Interest).	4. Amount paid in each Year into Military Chest (Principal).	5. Amount paid in each Year to Receiver-general (Interest).	6. Amount of contingent Account for Salary and Disbursements.	7. Annual Amount of Interest on Sales not yet realized.	8. Amount of Principal on Sales not yet realized.	R E M A R K S.
1828	-	£. s. d. - - -	£. s. d. - - -	£. s. d. - - -	£. s. d. - - -	£. s. d. - - -	£. s. d. - - -	£. s. d. - - -	£. s. d. - - -	This department has no knowledge of the investment of the different sums of principal paid into the Military Chest, under the authority of a Despatch from Lord Goderich of 2 April 1831, or of the annual amounts of dividends accruing thereon. Honourable Peter Robinson, agent for the sale of clergy reserves during this period. The disproportion between the amounts charged in each year for contingent expenses arise from charges for survey, inspection and valuation made at uncertain periods when necessary, as well as from the salary of agents, printing, accounts, &c., for services rendered in one year not being presented for payment until after the commencement of the next, as will appear upon reference to the accounts current rendered to the Government, from which this column is filled up.
1829	-	13,229 - -	2,466 1 3	- - -	- - -	- - -	1,162 19 6	645 15 6	10,762 18 9	
1830	-	23,452 4 -	6,216 1 11	- - -	- - -	- - -	829 13 2	1,034 3 4	17,236 2 1	
1831	-	17,362 12 1½	8,010 2 11	259 14 9½	11,000 - -	- - -	1,207 13 -	561 2 11½	9,352 9 2½	
1832	-	32,287 19 -	10,239 9 7½	473 17 2	8,000 - -	797 15 3	1,010 15 -	1,322 18 2	22,048 9 4½	
1833	-	44,747 19 9	14,080 16 8½	854 4 3½	9,500 - -	708 7 9	1,285 11 9½	1,840 - 7	30,667 3 -½	Honourable R. B. Sullivan, agent for the sale of clergy reserves during this period. * This sum is deducted, being the amount by which the receipts exceed the sales this year, such surplus receipts being on account of former sales.
1834	-	41,376 18 7	14,467 9 5½	1,182 11 4	10,000 - -	1,062 11 4	1,886 13 7½	1,614 11 4	26,909 9 1½	
1835	-	40,973 15 8	17,000 3 5½	1,841 6 3½	23,000 - -	2,107 9 1½	2,308 16 2½	1,438 8 4	23,973 12 2½	
To 13 July 1836 inclusive -	19,076	13,229 4 5	9,396 19 9	1,395 18 6	3,500 - -	1,317 17 9½	1,259 11 5	1,350 13 10	22,511 10 10	
From 14 July 1836 to 31 December inclusive -	44,364½	27,755 10 -½	9,076 3 10½	1,084 1 6½	- - -	- - -	1,023 4 3½	- - -	- - -	
1837	-	52,253 7 4	18,318 6 8	2,637 8 8	22,475 6 11	3,888 - 1½	1,966 5 4½	2,036 2 -	33,935 - 8	This sum is deducted, being the amount by which the receipts exceed the sales this year, such surplus receipts being on account of former sales.
1838	-	14,324 2 7	10,910 19 1	2,114 11 9	11,000 - -	1,949 1 10	2,160 16 -	204 15 -	3,413 3 6	
1839, to 30 April inclusive.	9,823	5,919 5 7	*6,738 15 -	1,803 4 8	10,000 - -	- - -	336 18 4	- - -	200,809 18 9½ 819 9 5	
TOTAL	486,867½	326,911 19 1	126,921 9 8½	13,646 19 -	108,475 6 11	11,831 3 2½	15,738 17 8½	12,048 11 -½	199,990 9 4½	

Crown Lands Office, Toronto, 16 May 1839.

(signed) R. B. Sullivan.

No. 7.
Sir G. Arthur to
the Marquis of
Normanby,
8 June 1839.

STATEMENT (D.)

STATEMENT of DRAFTS by the RECEIVER-GENERAL upon *London*, between the 30th June 1833 and the 19th January 1838 inclusive, on account of Dividends paid upon the proceeds of Sales of the Clergy Reserves funded in *England*, under the Provisions of an Act of the Imperial Parliament 7 & 8 Geo. 4, c. 62.

Statement (D.)

	STERLING DOLLARS AT 4s. 6d.			CURRENCY DOLLARS AT 5s.		
	£.	s.	d.	£.	s.	d.
On 30 June 1833 - - - - -	400	-	-	480	19	7
31 December 1833 - - - - -	400	-	-	480	-	-
6 January 1834 - - - - -	175	-	-	202	4	5 ½
3 July 1834 - - - - -	300	-	-	338	6	8
29 September 1835 - - - - -	1,000	-	-	1,210	17	1 ½
30 January 1836 - - - - -	600	-	-	728	3	6
14 March 1837 - - - - -	1,000	-	-	1,227	15	7
19 January 1838 - - - - -	2,900	-	-	3,480	-	-

The above monies are credited in account of the Clergy Fund, designated by the Letter (E.)

STATEMENT (E.)

UPPER CANADA.

STATEMENT of the ANNUAL AMOUNT of RENTS paid to the RECEIVER-GENERAL on account of Rents of leased Clergy Reserves, from 1 January 1834 to 31 December 1838 inclusive.

Statement (E.)

PERIOD.				CURRENCY.			STERLING.					
				£.	s.	d.	£.	s.	d.			
From 1 Jan. to 31 Dec. 1834	-	{	<div>3,124 9 4½ 970 12 1</div>				4,095	1	5½	3,685	11	4
From 1 Jan. to 31 Dec. 1835	-	{	<div>1,411 17 2 2,812 11 2½</div>				4,224	8	4½	3,801	19	6½
From 1 Jan. to 31 Dec. 1836	-	{	<div>1,325 19 11 1,053 3 6½</div>				2,379	3	5½	2,141	5	1½
From 1 Jan. to 31 Dec. 1837	-	{	<div>1,188 13 9½ 810 - -</div>				1,998	13	9½	1,798	16	5
From 1 Jan. to 31 Dec. 1838	-	{	<div>427 7 11 651 8 5</div>				1,078	16	4	970	18	8½
				£.			13,776	3	5	12,398	11	1½

Clergy Corporation Office, Toronto, }
6 June 1839.

(signed) Thos. Baines.

No. 7.
Sir G. Arthur to
the Marquis of
Normanby,
8 June 1839.

Statement (F.)

STATEMENT (F.)

ACCOUNT (E.) CLERGY.

										STERLING.		
										£.	s.	d.
Balance in advance, after defraying the service of 1833 - - - - -										-	-	-
Revenue of the year 1834 - - - - -										6,642	15	11
Expenditure - ditto - - - - -										6,280	2	- ½
										362 13 10 ¾		
Blue Book - - - - £. 5,979 16 9										-	-	-
Revenue of the year 1835 - - - - -										6,888	10	- ½
Expenditure - ditto - - - - -										5,736	1	1 ½
										1,152 8 11		
Blue Book - - - - £. 4,676 4 2										-	-	-
Revenue of the year 1836 - - - - -										3,982	14	3 ½
Expenditure - ditto - - - - -										5,560	4	3 ½
										1,577 10 -		
Blue Book - - - - £. 5,547 1 10										-	-	-
Revenue of the year 1837 - - - - -										6,403	-	6 ¾
Expenditure - ditto - - - - -										5,525	11	10
										877 8 8 ¾		
Blue Book - - - - £. 4,619 12 4										-	-	-
Revenue of the year 1838 - - - - -										5,857	2	4
Expenditure - ditto - - - - -										5,418	15	3
										438 7 1		
Blue Book - - - - £. 4,230 4 3										-	-	-
										5,208 - 2 ½		

Inspector-general's Office,
22 May 1839.

(signed) James Nation,
Acting Inspector-general.

STATEMENT (G.)

STATEMENT showing AMOUNT of SEMI-ANNUAL SALES of CLERGY RESERVES from the Year 1829 to 1838 inclusive, including Estimate of Amount remaining unpaid and overdue on each Semi-annual Sale, Interest annually accruing, and Amount of Principal and Interest overdue.

1. Year.	2. Period embraced.	3. Amount of Sales during the Six Months.	4. Estimated Amount remaining unpaid 25 May 1839.	5. Principal Estimated Amount remaining unpaid 30 June 1839.	6. Interest on Amount unpaid, accruing annually.	7. Amount of Interest overdue, accruing annually.	8. Principal and Interest due and overdue, 30 June 1839.	REMARKS.
	Six Months ending	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
1829	30 June -	10,136 -	853 13 9	853 13 9	51 4 5	51 4 5	1,965 17 11	<i>Note.</i> —The 8th Column includes the sums entered in the 5th, together with the annual interest in Column 7, multiplied by the number of years for which interest is charged by the conditions of sale.
—	31 December -	3,093 -	734 14 9	734 14 9	44 1 8	44 1 8	1,153 10 7	
1830	30 June -	13,713 14 -	1,830 19 9	1,830 19 9	109 17 2	109 17 2	2,819 14 3	
—	31 December -	9,738 10 -	2,696 8 9	2,396 16 8	161 15 9	143 16 3	3,619 4 9	<i>Memorandum.</i> —Statement of clergy reserves surveyed in the different districts in this province, unsurveyed ditto, number of acres sold, and the number of acres unsold. Acre. Eastern - - - - - 104,791 Ottawa - - - - - 97,327 Johnstown - - - - - 141,646 Bathurst - - - - - 157,283 Prince Edward - - - - - 26,200 Midland - - - - - 248,856 Newcastle - - - - - 273,660 Home - - - - - 418,333 Gore - - - - - 146,940 Niagara - - - - - 25,450 Talbot - - - - - 52,400 London - - - - - 238,019 Western - - - - - 211,240 Total surveyed - - - - - 2,142,145 Add Clergy Reservation for the Six Nation } Indians in the Gore District - - - } 96,400 Also Clergy Reserves taken for the Huron Tract 157,142 TOTAL - - - - - 2,395,687 Number of Acres sold - - - - - 489,867½ BALANCE - - - - - 1,905,819½
1831	30 June -	13,944 11 6½	4,559 10 4	4,052 18 1	273 11 5	243 3 6	5,998 6 1	
—	31 December -	3,418 - 7	1,811 1 9	1,408 12 7	108 13 4	84 10 4	2,042 8 2	
1832	30 June -	15,132 17 9	4,777 19 4	3,716 4 -	286 13 7	222 19 5	5,276 19 11	
—	31 December -	17,155 1 3	9,376 8 -	6,250 18 8	562 11 6	375 1 -	8,688 14 8	
1833	30 June -	20,567 2 3	10,417 15 10	6,945 3 11	625 1 3	416 14 2	9,443 8 11	
—	31 December -	24,180 17 6	14,997 16 11	8,332 2 9	899 17 5	499 18 7	11,081 15 -	
1834	30 June -	20,169 14 10	11,948 15 9	6,638 4 3	716 18 6	398 5 10	8,629 13 5	
—	31 December -	21,207 3 9	14,766 8 4	6,562 17 1	885 19 8	393 15 5	8,334 16 5	
1835	30 June -	17,624 8 4	10,650 18 7	4,733 15 -	639 1 1	284 - 6	5,869 17 -	
—	31 December -	23,349 7 4	18,415 17 8	6,138 12 7	1,104 19 -	368 6 4	7,427 14 9	
1836	30 June -	10,136 9 5	6,997 5 8	2,332 8 7	419 16 9	139 18 11	2,752 5 4	
—	31 December -	30,848 5 -½	24,883 12 3	5,529 13 11	1,493 - 3	331 15 7	6,359 2 11	
1837	30 June -	25,867 19 7	20,382 9 3	4,529 8 9	1,222 18 11	271 15 3	5,972 19 3	
—	31 December -	26,385 7 9	21,949 2 6	2,438 15 10	1,316 18 11	146 6 6	2,658 5 7	
1838	30 June -	7,473 19 3	6,253 2 -	694 15 9	375 3 9	41 13 8	736 9 5	
—	31 December -	6,850 3 4	4,770 9 8	Not due.	—	—	—	
		320,992 13 6	193,074 10 10	76,120 16 8	11,298 4 4	4,567 4 6	99,331 4 4	

Crown Lands Office, Toronto, 25 May 1839.

(signed) R. B. Sullivan.

No. 7.
Sir G. Arthur to
the Marquis of
Normanby,
8 June 1839.

STATEMENT (H.)

Statement (H.)

Commissioner for Crown Lands Office,
Toronto, 18

£.	Currency.		
RECEIVED from		the sum of	pounds
shillings and	pence, currency, being the		instalment
on	lot, No.	in the	in
the township of		in the	district, a Clergy Reserve,
containing		acres, more or less, sold to him at the rate of	
currency, per acre, amounting to		pounds	shillings and pence,
currency, upon condition of actual settlement, and of paying ten per cent. down, and the			
remainder in nine years, by annual instalments of ten per cent., with interest on each			
instalment as it becomes due.			

Commissioner of Crown Lands.

No.

MEMORANDUM OF SALE.

Acres, at	per acre, amounting to £.	currency.
Instalments due, and payable as follows; viz.		
2d Instalment, £.	currency, due	18
3d ditto £.	ditto	18
4th ditto £.	ditto	18
5th ditto £.	ditto	18
6th ditto £.	ditto	18
7th ditto £.	ditto	18
8th ditto £.	ditto	18
9th ditto £.	ditto	18
10th ditto £.	ditto	18

—No. 8.—

(Separate.)

COPY of a DESPATCH from the Marquis of *Normanby* to Lieutenant-Governor
Sir *G. Arthur*, K.C.H., dated Downing-street, 26 June 1839.

No. 8.
The Marquis of
Normanby to
Sir G. Arthur,
26 June 1839.

Sir,

As you inform me in your Despatch of the 14th May, No. 108, that you propose to address to me a separate communication on each of the Bills passed by the Legislative Council and Assembly of Upper Canada, and reserved by you for the signification of Her Majesty's pleasure, I shall of course postpone, until I receive these communications, the advice which I may feel called on to tender to Her Majesty in respect to these Bills. But with reference to the Bill for disposing of the clergy reserves, I wish to call your attention to one point on which it is necessary that I should receive information.

By the 42d section of the Statute 31 Geo. 3, c. 31, it is provided, that no Act passed, in conformity with the preceding sections, for altering or repealing any part of that Statute, or affecting in any way the King's prerogative, shall be valid or effectual " unless the Legislative Council and Assembly of such province shall, in the session in which the same shall have been passed by them, have presented to the Governor, Lieutenant-governor or person administering the government of such province, an address or addresses specifying that such Act contains provisions for some of the purposes hereinbefore specified, and desiring that, in order to give effect to the same, such Acts should be transmitted to England without delay, for the purpose of being laid before Parliament previous to the signification of Her Majesty's assent thereto."

It

It is evident that the Bill now before me comes within the scope of this provision, but I do not find in your Despatches any allusion to this point, although in your speech at the close of the session you advert to an address on the subject presented to you by the Legislature. I would request you to furnish me with the necessary information on this point; but you will of course distinctly understand, that in specially calling your attention to this question of form, I do not pronounce any opinion on the essential principles of the Bill, nor in any way indicate the advice which, on a more mature consideration of its provisions, I may feel it my duty to tender to Her Majesty.

I have, &c.
(signed) *Normanby.*

No. 8.
The Marquis of
Normanby to
Sir G. Arthur,
26 June 1839.

— No. 9. —

(Separate.)

COPY of a DESPATCH from Lieutenant-Governor Sir *G. Arthur*, K.C.H., to the Marquis of *Normanby*, dated Toronto, 27 July 1839.

My Lord,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked "Separate," of the 26th ultimo, wherein, with reference to the reserved Bill for the disposal of the clergy reserves, your Lordship directs my attention to the 42d section of the statute 31 Geo. 3, c. 31, and observes that the address from the Legislative Council and House of Assembly, as required by the provisions of the aforesaid section to be furnished, had not accompanied my Despatch respecting the reserved Bill in question.

In my speech on the prorogation of the Parliament of which I had the honour to transmit your Lordship a copy, I stated that I would transmit the Bill in question, "with your address thereon."

How, therefore, it escaped me to transmit the address which I have now the honour to forward, I am at a loss to conceive, and I beg your Lordship will believe that I regret the omission deeply.

I have, &c.
(signed) *Geo. Arthur.*

No. 9.
Sir G. Arthur to
the Marquis of
Normanby,
27 July 1839.

Enclosure in No. 9.

To his Excellency Sir George Arthur, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor of the Province of Upper Canada, and Major-General commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Legislative Council and Commons House of Assembly in Provincial Parliament assembled, have passed a Bill for the Sale of the Clergy Reserves, and for placing the proceeds of such sales in the hands of the Receiver-general of this province, subject to the disposition of the Imperial Parliament, for religious purposes; and we humbly request, that, in order to give effect to the same, the Bill may be transmitted to England without delay, for the purpose of being laid before Parliament previous to the signification of Her Majesty's assent thereto.

Enclosure.

Legislative Council Chamber, }
11 May 1839. }

Jonas Jones,
Speaker.

Commons House of Assembly, }
11 May 1839. }

Allan N. Mac Nab,
Speaker.

No. 2.

ACCOUNT of the CLERGY RESERVES sold in *Upper* and *Lower*
Canada from the Year 1827, and the Application thereof.

UPPER CANADA.

—No. 10.—

(No. 63.)

COPY of a DESPATCH from Lieutenant-Governor Sir *George Arthur*, K.C.H.,
to Lord *Glenelg*.No. 10.
Sir G. Arthur to
Lord Glenelg,
21 Sept. 1838.

My Lord,

Government House, Toronto, 21 September 1838.

IN compliance with your Lordship's Despatch of the 30th March (No. 48), communicating the copy of an Address agreed to by the House of Lords on the 20th March 1838, requesting certain Returns relative to the clergy reserves and rectories in Upper and Lower Canada respectively, and desiring me to furnish you with information, so far as the province of Upper Canada is concerned, I have now the honour to transmit to your Lordship herewith the following Returns:—

No. 1.

1st. The Return from the Crown Lands Office, showing the amount of clergy reserves sold in Upper Canada in each year since 1827, and the number of acres sold in each year; the total amount for which they were sold; the total amount of money received in each year upon such sales, distinguishing principal from interest; the disposal of sums received on account of principal and interest, and the total amount invested or paid over.

No. 2.

2d. The Receiver-general's account of monies received by him from various sources, and of payments made therefrom for the support of the Protestant clergy within Upper Canada, in each year from 1827 to 1837 inclusive, respectively.

No. 3.

3d. The Surveyor-general's statement of the rectories created in Upper Canada, with an account of the lands assigned to each.

No. 4.

4th. Statement of the salary paid to each of the incumbents of rectories in Upper Canada by warrant on the Receiver-general.

From these Returns your Lordship will gather all the information which this Government can afford in answer to the requisition of the House of Lords.

Vide No. 12.

Upon one of the heads of inquiry, the information can only be officially furnished by the proper department in London, where the amount of the proceeds of successive sales of clergy lands is from time to time understood to be vested in the public funds.

Vide No. 13.

The officer receiving such proceeds in this province pays the amount each year into the military chest, under the authority of a Despatch from the Secretary of State, dated 2d April 1831.

I have, &c.
(signed) *Geo. Arthur*.

No. 1.

AN ACCOUNT of CLERGY RESERVES sold in *Upper Canada* in each Year since 1827, stating the Number of Acres sold in each Year, the Total Amount for which they were sold, the Total Amount of Money received in each Year upon such Sales, distinguishing Principal from Interest, the disposal of Sums received on account of Principal and Interest, and the Total Amount invested or paid over.

YEAR.	Total Number of Acres sold in each Year.	Total Amount for which sold, Provincial Currency.	Total Amount of Money received in each Year.	Total Amount of Money received in each Year.	Application of Monies received.			Balances in hands of the Agent for the Sale of Clergy Reserves.	
					Amount of contingent Account for Salary and Disbursements.	Amount paid each Year into the Military Chest.	Amount paid over to the Receiver-general.		
					£. s. d.	£. s. d.	£. s. d.		
1827 (a)	—	—	—	Interest.	£. s. d.	Principal.	Interest.	£. s. d.	(a) The agent for the sale of clergy reserves did not enter upon the duties of his office until the 1st April 1828.
1828	None.	—	—	—	(b) 996 6 10	—	—	—	(b) Amount of contingent account due to the agent.
1829	18,014	13,229 —	2,466 1 3	None.	1,162 19 6	(c) 996 6 10	—	306 14 11	(c) Credit taken by the agent for advance of last year.
1830	34,705 ½	23,452 4 —	6,216 1 11	None.	829 13 2	None.	None.	5,093 3 8	(d) This balance is the amount for which the late Commissioner for the sale of the clergy reserves was apparently responsible upon the face of the Accounts rendered by him on his retirement from office; but his public accounts are in a course of investigation, undertaken at his request, in order to ascertain whether this balance is correctly stated, and in the meantime the representatives of his estate are making payment provisionally into the Bank of Upper Canada, and upon the balance being finally ascertained there will be no delay (as the Government are assured) in closing the account. The Honourable Peter Robinson retired from office 13 July 1836.
1831	28,563 ¼	17,362 12 1 ½	8,010 2 11	259 14 9 ½	1,207 13 —	11,000 —	None.	1,755 8 4 ½	(e) Honourable R. B. Sullivan commences as agent for the sale of clergy reserves.
1832	48,484 ¾	32,287 19 —	10,239 9 7 ½	473 17 2	1,010 15 —	8,000 —	797 15 3	2,660 4 11	(f) The different sums of principal appearing in the seventh column as having been paid into the military chest were so paid under authority of a Despatch from Lord Goderich of 2d April 1831, and this department has no knowledge of the investment or application of such sums in England.
1833	62,282 ¼	44,747 19 9	14,080 16 8 ½	854 4 3 ½	1,285 11 9 ½	9,500 —	708 7 9	6,104 6 4 ½	
1834	59,526	41,376 18 7	14,467 9 5 ½	1,182 11 4	1,886 13 7 ½	10,000 —	1,062 11 4	8,802 9 6	
1835	59,003 ½	40,973 15 8	17,000 3 5 ½	1,841 6 3 ½	2,308 15 2 ½	23,000 —	2,107 9 1 ½	227 12 11	
1836	19,076	13,229 4 5	9,396 19 9	1,395 18 6	1,259 11 5	3,500 —	1,317 17 9 ½	(d) 4,943 2 11 ½	
From (c) 14 July to 31 December inclusive, 1836.	44,364 ½	27,755 10 — ½	9,076 3 10 ½	1,084 1 6 ½	1,023 4 3 ½	None.	None.	9,137 1 1 ½	These sums to be added together to show total amount.
1837	81,549	52,253 7 4	18,318 6 8	2,637 8 8	1,266 5 4 ½	22,475 6 11	1,302 18 7	2,463 4 1	£. 8,560. 8 s. 5 ½ d. paid over within a few days of the close of 1836, and brought into first semi-annual account current of 1837.
1838 to 30 June	11,173 ¾	7,481 9 3	5,346 19 3	1,120 — 7	1,444 16 —	6,000 —	954 10 8	530 17 3	First half year of 1838 only.
TOTAL - -	466,742 ½	314,150 — 2	114,618 14 10 ½	10,849 3 2	15,682 6 2 ½	(f) 94,471 13 9	8,251 10 6	Inclusive, from year to year.	

Crown Lands Office, Toronto, }
25 August 1838.

R. B. Sullivan.

No. 2.

AN ACCOUNT of MONIES received from various Sources by HER MAJESTY'S RECEIVER-GENERAL of *Upper Canada*, and of PAYMENTS made therefrom for the Support of a PROTESTANT CLERGY within the said Province, in each Year, from 1827 to 1837 inclusive, respectively.

Year.	RECEIPTS.	Sterling, Dollars at 4s. 6d.	Year.	PAYMENTS.	Sterling, Dollars at 4s. 6d.
		£. s. d.			£. s. d.
1827	By balance remaining on the 1st January in the fund applicable to the support of a Protestant clergy -	574 13 10 ¹ / ₂	1827	To paid the additional stipend to the rector of York for the present year - - - - -	225 - -
	By received from the Casual and Territorial Fund under warrants -	600 - -		To paid salaries to two archdeacons for the same period - - -	600 - -
				To paid for patents constituting the two archdeaconries of York and Kingston - - - - -	132 6 11
1828	By received from the Casual and Territorial Fund under warrants -	600 - -	1828	To paid salaries to two archdeacons for the year 1828 - - -	600 - -
				To paid additional stipend to the rector of York for the same period	225 - -
				To paid the Hon. Dr. John Strachan his travelling expenses on account of the clergy, on his mission to England - - - - -	610 10 -
1829	By received from the officers collecting the rents of clergy reserves under lease - - - - -	326 18 11 ¹ / ₂	1829	To paid the salaries of two archdeacons for the year 1829 - -	600 - -
	By received from the Casual and Territorial Fund under warrants -	600 - -		To paid additional stipend to the rector of York for the same period	225 - -
1830	By received from the officer collecting the rents of clergy reserves under lease - - - - -	585 - -	1830	To paid the salaries of two archdeacons for the year 1830 - - -	600 - -
	By received from the Casual and Territorial Revenue Fund under warrants - - - - -	600 - -		To paid additional stipend to the rector of York for the same period	225 - -
1831	By received from the sureties of the late Stephen Steward, esq., on account of a defalcation in his accounts as secretary to the Clergy Corporation - - - - -	360 - -	1831	To paid the salaries of two archdeacons for the year 1831 - - -	600 - -
	By received from the officers for collecting the rents of clergy reserves under lease - - - - -	630 - -		To paid additional stipend to the rector of York, in full satisfaction of all further claims on this head -	90 - -
	By received from the Casual and Territorial Revenue Fund under warrants - - - - -	600 - -		To paid salary to the Rev. George O'Kill Stuart, as one of the established clergymen of this province, for the year 1831 - - -	100 - -
	By received from the Crown Fund, 14 Geo. 3. - - - - -	100 - -			
1832	By received from the officer collecting the rents of clergy reserves under lease - - - - -	450 - -	1832	To paid two archdeacons for the year 1832 - - - - -	787 10 -
	By received from the officer collecting the interest on clergy lands sold - - - - -	717 19 8 ³ / ₄		To paid salary to the Rev. George O'Kill Stuart, as one of the established clergymen of this province, for the same period - - -	100 -
	By received from the Casual and Territorial Revenue Fund under warrants - - - - -	- none.		To paid salaries to the following missionaries, for the six months from 1st July to 31st December 1832 inclusive; viz. 28 missionaries - £.100 - each 3 ditto - 75 - " 5 ditto - 50 - " 2 ditto - 43 15 - "	2,362 10 -

THE CLERGY RESERVES IN UPPER CANADA.

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No. 2.—ACCOUNT of Monies received and Payments made for Support of a Protestant Clergy in *Upper Canada, &c.*—continued.

Year.	RECEIPTS.	Sterling, Dollars at 4 s. 6 d.	Year.	PAYMENTS.	Sterling, Dollars at 4 s. 6 d.
		£. s. d.			£. s. d.
1833	By received from the officer collecting the interest on clergy lands sold - - - - -	637 10 11½	1833	To paid two archdeacons for the year 1833 - - - - -	920 6 8
	By received from the officer collecting the rents of clergy reserves under lease - - - - -	1,689 6 -		To paid salary to the Rev. George O'Kill Stuart, as one of the established clergymen of the province, for the same period - - - - -	100 - -
	By received from the officer in London for receiving the dividends on monies funded in England arising from the sale of clergy lands, and remitted by the proper officer -	864 18 7½		To paid salaries to the following missionaries, for the half year from 1st January to 30th June 1833 inclusive; viz.— 26 missionaries - £.100 each 2 ditto - - 75 " 2 ditto - - 65 " 3 ditto - - 25 " 7 ditto - - 50 "	3,305 - -
				To paid salaries for the half year ending the 31st December 1833:— 1 missionary £.70 - - 19 ditto - 46 13 4 each 4 ditto - 25 - - " 1 ditto - 35 - - " 1 ditto - 15 - - " 5 ditto - 33 6 8 each	1,272 6 8
				To paid for the erection of a house, and preparing a glebe at Adelaide, on account - - - - -	45 - -
				To paid on account of a parsonage house at the Mohawk Settlement -	90 - -
1834	By received from the officer collecting the rents of clergy reserves under lease - - - - -	3,685 11 3½	1834	To paid two archdeacons for the year 1834 - - - - -	1,003 15 -
	By received from the officer collecting the interest on clergy leases sold - - - - -	956 6 3½		To paid salary to the Rev. George O'Kill Stuart, as one of the established clergymen, &c. same period	100 - -
	By received from the officer in London for receiving the dividends on monies funded arising from the sale of clergy lands, and remitted by the proper officer - - -	486 10 -		To paid salary to the secretary of the Clergy Corporation, for the period from the 1st March 1833 to 31st December 1834, inclusive - -	349 8 6½
	By received from the Casual and Territorial Revenue Fund, under warrant to enable the Receiver-general to pay 85 per cent. on the salaries of the missionaries of the Church of England in this province, and pensions to retired missionaries and widows, formerly paid by the Society for the Propagation of the Gospel, in part -	2,301 5 -		To paid salaries to the following missionaries, for the half year from 1st January to 30th June 1834, inclusive; viz.— 32 missionaries - £.70 each 13 ditto - - 50 " 2 ditto - - 25 "	2,870 -
				To paid 85 per cent. on the missionaries' salaries, and pensions to retired missionaries and widows, formerly paid by the Society for the Propagation of the Gospel, for the half year ending the 31st December 1834; viz.— 1 missionary £.120 - - 24 ditto - 100 - - each 3 ditto - 57 10 - " 11 ditto - 50 - - " 1 ditto - 33 6 8 4 ditto - 30 - - each 2 retired miss. 50 - - " 1 ditto - 15 - - " 2 widows - 25 - - each	3,560 16 8
				To paid for the ordinary and incidental expenses of the office of the Clergy Corporation during 1834 - - -	155 7 11½
				To paid expenses incurred in the inspection of clergy reserves, same period - - - - -	559 12 10½

(continued.)

No. 2.—ACCOUNT of Monies received and Payments made for Support of a Protestant Clergy in *Upper Canada, &c.*—continued.

Year.	RECEIPTS.	Sterling, Dollars at 4 s. 6 d.	Year.	PAYMENTS.	Sterling, Dollars at 4 s. 6 d.
		£. s. d.			£. s. d.
1835	By received from the officer collect- ing the rents of clergy reserves under lease - - - -	3,801 19 6½	1835	To paid two archdeacons for the year 1835 - - - - -	1,003 15 -
	By received from the officer collect- ing interest on clergy lands sold -	1,896 15 1½		To paid salary to the Rev. George O'Kill Stuart, as one of the esta- blished clergymen of this province, for the same period - - - -	100 - -
	By received from the officer in Lon- don for receiving the dividends on monies funded arising from the sale of clergy lands and remitted by the proper officer - - - -	1,089 15 4¾		To paid salary to the secretary of the Clergy Corporation, for the same period - - - - -	270 - -
	By received from the Casual and Ter- ritorial Fund under warrants -	2,529 11 8		To paid salaries to the under-men- tioned missionaries, and pensions to retired missionaries and widows, for the half year from the 1st January to the 30th June 1835, inclusive; viz.— 1 missionary £.127 10 - (including arrears.) 24 missionaries - 85 - - each 1 ditto - 70 - - - 2 ditto - 63 15 - each 15 ditto - 50 - - - 2 retired miss. 50 - - - 1 ditto - 15 - - - 2 widows - 25 - - each 1 ditto - 33 6 8 (including arrears.) 1 widow ditto - 50 - -	3,363 6 8
				To paid ditto for the half year ending 31st December 1835; viz.— 1 missionary - £.70 - (including arrears.) 24 missionaries - 85 - each 2 ditto - 63 15 - 14 ditto - 50 - - 3 retired miss. - 50 - - 1 ditto - 15 - - 4 widows - 25 - each	3,202 10 -
				To paid on account of the glebe houses in Carradoc and Adelaide	118 18 1¾
				To paid ordinary and incidental ex- penses of the Clergy Corporation Office, for the year 1835 - - -	65 18 10
1836	By received from the officer in Lon- don for receiving the dividends on monies funded arising from the sale of clergy lands, and remitted by the proper officer - - - -	655 7 1¾	1836	To paid two archdeacons for the year 1836 - - - - -	1,003 14 6
	By received from the officer collect- ing the rents of clergy reserves under lease - - - - -	2,141 5 1¼		To paid salary to the Rev. George O'Kill Stuart, as one of the esta- blished clergymen, for the same period - - - - -	100 - -
	By received from the officer collect- ing the interest on clergy lands sold - - - - -	1,186 2 3½		To paid salary to the secretary of the Clergy Corporation, same period -	270 - -
	From the Casual and Territorial Re- venue Funds under warrants -	2,565 12 6		To paid salaries to the under-men- tioned missionaries, and pensions to retired missionaries and widows, for the half year from 1st January to 30th June 1836, inclusive; viz.— 22 missionaries £.85 - each 1 ditto - 76 - 1 ditto - 70 - 2 ditto - 63 15 each 16 ditto - 50 - - 2 retired miss. - 50 - - 1 ditto - 15 - - 7 widows - 25 - each	2,233 10 -

THE CLERGY RESERVES IN UPPER CANADA.

No. 2.—ACCOUNT of Monies received and Payments made for Support of a Protestant Clergy in *Upper Canada*, &c.—continued.

Year.	RECEIPTS.	Sterling, Dollars at 4s. 6d.	Year.	PAYMENTS.	Sterling, Dollars at 4s. 6d.
		£. s. d.			£. s. d.
1836			1836	To paid salaries to the under-mentioned missionaries, and pensions to retired missionaries and widows, for the half year ending 31st December 1836; viz.— 23 missionaries £. 85 - each 1 ditto - 70 - 1 ditto - 63 15 19 ditto - 50 - each 2 retired miss. - 50 - " 1 ditto - 15 - 7 widows - 25 - each To paid expenses for the inspection of clergy reserves - - - To paid ordinary and incidental expenses of the Clergy Corporation Office, for the year 1836 - - To paid on account of the parsonage house for the Rev. Saltern Givins, Mohawk Indians, Bay of Quinté - To paid on account of the parsonage house at Adelaide - - -	3,328 15 - 23 2 - 92 13 10½ 270 - - 97 2 5½
1837	By received from the officer in London for receiving the dividends on monies funded arising from the sale of clergy lands, and remitted by the proper officer - - - By received from the officer collecting the rents of clergy reserves under lease - - - By received from the officer collecting the interest on clergy lands sold - - - By received from the Casual and Territorial Revenue Fund under warrants - - -	1,105 - -½ 1,798 16 5 3,499 4 1½ 2,588 6 8	1837	To paid two archdeacons for the year 1837 - - - To paid salary to the Rev. George O'Kill Stuart, as one of the established clergy, for the same period To paid salary to the secretary of the Clergy Corporation, for the year 1837 - - - To paid salaries to the under-mentioned missionaries, and pensions to retired missionaries and widows, for the half year ending the 30th June 1837; viz.— 22 missionaries £. 85 - each 1 ditto - 75 - (including arrears.) 2 missionaries - 70 - each 2 ditto - 63 15 " 17 ditto - 50 - " 2 retired miss. - 50 - " 1 ditto - 15 - 7 widows - 25 - each To paid ditto, for the half year ending the 31st December 1837; viz.— 22 missionaries £. 85 - -each 1 ditto - 70 - - 1 ditto - 63 15 - 18 ditto - 50 - -each 1 ditto - 38 6 8 2 retired miss. - 50 - -each 1 ditto - 15 - - 7 widows - 25 - -each To paid contingencies of the Clergy Corporation Office, for the year 1837 - - -	1,003 14 6 100 - - 270 - - 3,352 10 - 3,232 1 8 55 10 10½

Receiver-general's Office, Toronto, Upper Canada, }
11 June 1838.

John H. Dunn,
Her Majesty's Receiver-general.

No. 3.

STATEMENT of LANDS recommended by an Order in Council, dated 15 January 1836, to be set apart for the ENDOWMENT of the CHURCHES in the Townships under-mentioned.

No.	Name of Incumbent.	Rectory.	Land assigned.				Remarks.
			Lot.	Con.	Township.	Acres.	
1	Hon. and Venerable Archdeacon Strachan	Toronto - -	{ 6, 9, 22 17 }	{ 2d Con. from Bay 3 do. }	York - - -	800	
2	Rev. R. F. Grout -	Grimsby - -	11, 12, 13, 14	6	Grimsby - -	400	
3	Rev. John Miller -	Ancaster - -	39, 40	5	Ancaster - -	400	
4	Rev. George Mortimer	Thornhill - -	N. $\frac{1}{2}$ 27	1	Vaughan - -	105	
5	Rev. John Gamble Geddes.	Hamilton, District of Gore -	{ 6 2 }	{ 13 14 }	Flamborough East -	400	Patent not completed.
6	Rev. Francis Evans -	Woodhouse - -	{ S. W. $\frac{1}{4}$ 1 S. $\frac{1}{2}$ of N. $\frac{1}{2}$ 1 S. W. $\frac{1}{4}$ 2 N. p ^t 6 P ^t of 10 }	{ 3 3 3 1 4 }	Woodhouse - -	402	
7	Rev. John Grier -	Ameliasburgh -	96, 102	2	Ameliasburgh -	400	Patent not completed.
8	Rev. F. Mack - -	Wellington-square	{ 2 10 }	{ 2 4 }	Flamborough East -	400	
9	Rev. R. Blakey -	Augusta - -	{ 18, 19, and Commons between. }	4	Augusta - -	450	
10	Rev. Samuel Armour -	Cavan - -	{ 17 10 }	{ 4 10 }	Cavan - - -	400	
11	Rev. William Macaulay	Hallowell - -	{ N. E. p ^t Block D. }	- -	Sophiasburgh -	About 400	
12	Rev. Michael Harris -	Perth - -	{ 17 4 }	{ 7 1 }	Bathurst - - Drummond - -	200 200	
13	Rev. W. H. Gunning	Elizabethtown -	19, 20	5	Elizabethtown -	400	
14	Rev. H. Patton -	Oxford, J. D. -	{ E. $\frac{1}{2}$ 15 16 16 }	{ 1 1 6 }	Oxford, J. D. -	450	
15	Rev. John Anderson -	Bertie - -	{ 6, 7 6, 7 }	{ 5 6 }	Bertie - - -	400	
16	Rev. R. H. D'Olier -	Peterborough -	{ 17 40 Park Lots 15 and 16 in 13 Town Lots 1, 2, 3, 4, on Hunter Water and Brock Streets - - - }	{ 2 13 13 Con. }	Smith - - - Monaghan - - Town of Peterborough - -	About 420	
17	Rev. William Betteridge	Woodstock -	{ 2 16 }	{ 1 5 }	Oxford West Oxford East -	400	
18	Rev. Charles Matthews	{ St. John's Church, Yonge-street - }	14	2d E. Y. S.	York - - -	200	
19	Rev. A. N. Bethune -	Cobourg - -	{ P ^t of 15 Bro. F ^t B. W. $\frac{1}{4}$ 15 Bro. F ^t A. 27 E. $\frac{1}{2}$ 2 }	{ 6 Con. 7 }	Hamilton - -	About 400	
20	Rev. George Archbold	Cornwall - -	{ 19 and W ^y 150 ac. of 38. }	8	Cornwall, 350 ac. }	410	
			{ Also a strip of land between rear boundary of town of Cornwall and front of 2d Con. of Cornwall, as reckoned by eastern bound- ary, 64 ac. - - - }				

THE CLERGY RESERVES IN UPPER CANADA.

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No. 3.—STATEMENT of Lands recommended to be set apart for the Endowment of Churches, &c.—*continued.*

No.	Name of Incumbent.	Rectory.	Land assigned.				Remarks.
			Lot.	Con.	Township.	Acres.	
21	Rev. J. G. Beck Lindsay	Williamsburgh	Part of Centre Commons. Centre Commons between Lots 18 & 19	1st and 2d Con.	Williamsburgh, 37½ acres -	400½	Patent not completed.
22	Rev. Dominick E. Blake	Adelaide	12 25 8 and 9	1st, 3d, and 4th Con.	Of Matilda, 163 acres -	401	
23	Rev. T. Phillips, D.D.	Etobicoke	3 and 4 W. p ^t 3	5th W. By.	Matilda -	205	
24	Rev. Edward J. Boswell	Carleton Place	26 2	1st N.E.R. 1st S.E.R. Front A.	Adelaide -	400	Patent not completed.
25	Rev. Mark Burnham	St. Thomas	5 17	2d range 2d range 2d, 3d, and 4th ranges	Yarmouth - Southwold -	400	ditto.
26	Rev. John Ratcliffe	Warwick	15 and 25	2 Con.	Warwick -	400	
27	Rev. V. P. Meyhoffer	Markham	9 19	7 4	Markham - Vaughan -	400	
28	Rev. A. H. Burwell	Bytown	17 and 18	1st Con. on Ottawa	Gloucester -	about 400	Patent not completed.
29	Rev. James Magrath	Toronto	23 29 9	2 4th E.H.S. Indian reserve	Chinguacoury - on credit, part of	about 400	ditto.
30	Rev. John Cochrane	Belleville	16 and 17 R ^t p ^t 4	3 Con. 1	ThurLOW -	418	
31	Parish Church	Bath	F ^t 50 ac. 12 13 W. ¼ 14	4	Ernestown -	400	
32	Rev. Saltern Givins	Napanee	15 and 16	4	Richmond -	400	
33	Parish Church	Williamsburgh	18 and 19	4	Williamsburgh -	400	
34	Rev. James Padfield	March	2 and 32	4 on Rideau	Nepean -	400	Patent not completed.
35	Parish Church	Town of Richmond Dist. of Bathurst	24 17	5 9	Goulburn - Fitzroy -	400	
36	Rev. R. Lugg	Brantford	3 9	2 3	Burford -	400	Patent not completed.
37	Rev. Benjamin Cronyn, 2d church in township of London	London	12 15 N.E. corner of 16 being 4½ acres deeded by Rev. Benjamin Cronyn to the Crown	Con. C. 7 3	London -	404½	
38	Rev. Romain Rolph	Amherstburg	80 and 81	7	Malden -	400	
39	Rev. James Clarke	St. Catharine's	3 3	5 6	Grantham -	400	
40	Rev. James Clarke	Louth	11, 12 12	4 5	Louth -	300	
41	Rev. James Clarke	Thorold	98, 99, 10, and 121	-	Thorold -	400	
42	Rev. William Leeming	Chippewa	72, 88, 89, and 106	-	Stamford -	400	
43	Rev. Richard Flood	Delaware	22 16	1st range, N. of S.W. Rd 1 Con.	Carradoc -	435	Patent not completed.
44	Rev. Job Deacon	Adolphustown	24, 25 6, 7, 8 7, 7, 8	1 Con. N. of 3d St S. of 4th St	Adolphustown - Town of Adolphus- town -	164	

(continued.)

No. 3.—STATEMENT of Lands recommended to be set apart for the Endowment of Churches, &c.—continued.

No.	Name of Incumbent.	Rectory.	Land assigned.				Remarks.
			Lot.	Con.	Township.	Acres.	
45	Rev. Job Deacon -	Fredericksburgh	9, 10, 11	2 ^d Con.	Fredericksburgh -	250	
46	Rev. William Johnson	Sandwich - -	<div><div>3</div><div>Ft in N. $\frac{1}{2}$, 1 bet. River aux Puce and River aux Peche</div><div>8</div></div>	<div><div>E. of River aux Puce</div><div>Bro. front</div></div>	<div>Maidstone - -</div> <div>Tilbury West - -</div>	<div>about</div> <div>400</div>	Patent not completed.
47	Parish Church of St. George - -	Clarke - -	<div><div>20, 27</div><div>15 ac. on lot 34.</div></div>	<div>2^d Con.</div> <div>N. of road 2^d Con.</div>	Clarke - -	<div>400</div> <div>15</div>	{ given by S. S. Wilmot, Esq.
48	Parish Church of St. John - - -	Darlington -	25, 31	1 Con.	Darlington - -	400	
49	Rev. Jonathan Shortt	Beckwith - -	<div><div>N.E. $\frac{1}{2}$ 21</div><div>W. $\frac{1}{2}$ 26</div><div>17</div></div>	<div>2</div> <div>2</div> <div>1</div>	Beckwith - -	400	
50	Parish Church - -	Chatham - -	<div><div>8, 15</div><div>2, bet. Belle River and River Ruscum</div></div>	<div>1 Con.</div> <div>- - -</div>	<div>Tilbury West - -</div> <div>Rochester - -</div>	<div>about</div> <div>400</div>	{ Patent not completed.
51	Rev. Thomas Creen -	Niagara - -	<div><div>126, 127, 128,</div><div>130</div></div>	- - -	Niagara - -	400	
52	Rev. Arthur Palmer -	- - -	<div><div>- - Lot C. division A., reserve lot bet. C. and River Speed, lots 14 and 15, division A.</div><div>Centre Pt of St. George's-square</div><div>Rt $\frac{1}{2}$ 3 and 4</div><div>Bro. 3 and 4</div></div>	<div>- - -</div> <div>- - -</div> <div>10 Con.</div> <div>11</div>	<div>Guelph, 86 acres -</div> <div>Town of Guelph, 54 $\frac{1}{2}$ perches -</div> <div>Puslinch - -</div>	<div>326</div>	
53	The Archdeacon -	Kingston - -	<div><div>Block C. adjoining town of Kingston, 18 acres</div><div>E. $\frac{3}{4}$ 12</div><div>13, W. $\frac{3}{4}$ 14</div><div>42</div></div>	<div>4 Con.</div> <div>3</div>	<div>Kingston - -</div> <div>Ernestown - -</div>	<div>700</div>	
54	Parish Church - -	Barrie - -	<div><div>28</div><div>10</div><div>10</div></div> <div><div>131, 132, 133, N. of Marks-street - -</div><div>114, 115, N. of Worsley-street - -</div><div>116, S. of M'Donald-street - -</div></div>	<div>13</div> <div>14</div> <div>8</div>	<div>Innisfil - -</div> <div>Town of Barrie - -</div>	<div>420</div>	
55	Rev. J. Coghlan -	Port Hope - -	<div><div>Pt of 9</div><div>27</div><div>6</div></div>	<div>1 Con.</div> <div>4</div> <div>8</div>	<div>Hope - - -</div> <div>Hope - - -</div> <div>Hope - - -</div>	<div>36</div> <div>400</div>	{ Being land surrendered by Mr. Coghlan.
56	Rev. Benjamin Cronyn	London - -	<div><div>13</div><div>Pt of 15</div></div>	<div>Con. C.</div> <div>3 Con.</div>	London - -	375	
57	Rev. Wm. Betteridge	Woodstock -	<div><div>- Lots Nos 1 to 15, bounded on west by Bexley-street and River Thames, and on east by Givins-street -</div></div>		Town of Woodstock	29	{ Assigned by Order in Council, 27 Nov. 1834.
TOTAL Number of Acres - - -						22,116	

Surveyor-general's Office, Toronto, U.C., }
7 September 1838.

R. B. Sullivan.

THE CLERGY RESERVES IN UPPER CANADA.

51

No. 4.

LIST of SALARIES and PENSIONS paid to the CLERGY and MISSIONARIES of the CHURCH OF ENGLAND in Upper Canada, and their WIDOWS, for the Half-year ending the 30th June 1838.

	£.	s.	d.	
Archibald, George - - -	85	-	-	Cornwall, Eastern District.
Anderson, John - - -	85	-	-	Fort Erie, Niagara District.
Atkinson, A. F. - - -	50	-	-	Bath, Midland District.
Armour, Samuel - - -	85	-	-	Cavan, New Castle District.
Bethune, A. N. - - -	85	-	-	Coburg, New Castle District.
Betteridge, William - - -	50	-	-	Woodstock, London District.
Blake, D. - - -	50	-	-	Adelaide, London District.
Blakey, Robert - - -	85	-	-	Prescott, Johnstown District.
Boswell, E. J. - - -	85	-	-	Carlton-place, Bathurst District.
Burnham, — - - -	85	-	-	St. Thomas, London District.
Clarke, James - - -	85	-	-	St. Catharine's, Niagara District.
Cochrane, John - - -	50	-	-	Belleville, Hastings District.
Creen, Thomas - - -	85	-	-	Niagara, Niagara District.
Crenyer, Benjamin - - -	50	-	-	London, London District.
Deacon, Jacob - - -	85	-	-	Adolphustown, Midland District.
Denroche, Edward - - -	50	-	-	Brockville, Johnstown District.
Evans, Francis - - -	85	-	-	Simcoe, Talbot District.
Flood, Richard - - -	50	-	-	Delaware, London District.
Fuller, F. B. - - -	50	-	-	Chatham, Western District.
Geddes, S. G. - - -	50	-	-	Hamilton, Gore District.
Givins, Saltern - - -	85	-	-	Bay of Quinto, Midland District.
Grier, J. - - -	85	-	-	Carrying-place, Prince Edward District.
Grant, G. H. F. - - -	85	-	-	Grimsby, Niagara District.
Gunning, W. H. - - -	85	-	-	Elizabethtown, Johnstown District.
Harris, M. - - -	85	-	-	Perth, Bathurst District.
Johnson, W. - - -	50	-	-	Sandwich, Western District.
Leeming, W. - - -	85	-	-	Chippawa, Niagara District.
Lindsay, J. G. B. - - -	85	-	-	Williamsburgh, Eastern District.
Macaulay, W. - - -	85	-	-	Pictou, Prince Edward District.
Mach, Frederick - - -	50	-	-	Amherstburgh, Western District.
Magrath, James - - -	63	15	-	Toronto Township, Home District.
Mayerhoffer, V. - - -	50	-	-	Markham, Home District.
Miller, John - - -	85	-	-	Ancaster, Gore District.
Mortimer, George - - -	50	-	-	Thornhill, Home District.
Padfield, James - - -	50	-	-	Beckwith, Bathurst District.
Palmer, Arthur - - -	50	-	-	Guelph, Gore District.
Patta, Henry - - -	85	-	-	Kempville, Bathurst District.
Phillips, Thomas - - -	70	-	3	Etobicoke, Home District.
Radcliff, John - - -	50	-	-	Warwick, London District.
Rogers, R. - - -	50	-	-	Richmond, Bathurst District.
Rolph, Romaine - - -	85	-	-	Osnabruck, Eastern District.
Short, Jonathan - - -	50	-	-	Port Hope, New Castle District.
Stuart, George O'Kill - - -	85	-	-	Kingston, Midland District.
Strachan, John - - -	116	17	6	Toronto, Home District.
Wade, W. F. L. - - -	50	-	-	Peterborough, New Castle District.
£.	3,155	12	6	
RETIRED MISSIONARIES:				
Leming, Ralph - - -	50	-	-	Ancaster, Gore District.
Patterson, John - - -	15	-	-	Markham, Home District.
Thompson, Joseph - - -	50	-	-	Cavan, New Castle District.
£.	115	-	-	
WIDOWS RECEIVING PENSIONS:				
Mrs. Mountain - - -	25	-	-	Cornwall, Eastern District.
Mrs. Sampson - - -	25	-	-	Grimsby, Niagara District.
Mrs. Addison - - -	25	-	-	Niagara, Niagara District.
Mrs. Moseley - - -	25	-	-	Bay of Quinto, Prince Edward District.
Mrs. Campbell - - -	25	-	-	Bath, Midland District.
Mrs. Weogant - - -	25	-	-	Williamsburgh, Eastern District.
Mrs. Stoughton - - -	25	-	-	Bath, Midland District.
£.	175	-	-	

RECAPITULATION OF THE FOREGOING ACCOUNT.

	£.	s.	d.
Salaries to Missionaries, &c. - - -	3,155	12	6
Pensions to retired ditto - - -	115	-	-
Pensions to Widows - - -	175	-	-
Amounting to - - -	£. 3,445	12	6 Sterling.

Receiver-general's Office, Toronto, }
21 September 1838.

John H. Dunn, H. M. R. C.

LOWER CANADA.

—No. 11.—

RETURN to an Address of the House of Lords, of the 20th March 1838, calling for RETURNS showing the Amount of the CLERGY RESERVES sold in *Lower Canada* since 1827, &c., made by Order of his Excellency Sir *John Colborne*, Administrator of the Government, dated 7th May 1838, so far as it is in the power of this Department to furnish the same.

Year.	Acres sold on Quit Rent.	Capital.	Number of Acres sold absolutely.	Price.	Quit Rent received.	Instalments received.	Amount paid to Commissary- general.	Amount paid to Presbytery of Quebec.
		£. s. d.		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1827	- nil -	- nil -	- nil -	- nil -	- nil -	- nil -	- nil -	- nil.
1828	—	—	—	—	—	—	—	—
1829	900	190 - -	200	40 - -	13 10 -	10 - -	—	—
1830	1,800	360 - -	8,156	1,250 3 -	18 - -	543 17 -	—	—
1831	5,700	1,140 - -	5,632	1,525 9 3	57 - -	541 7 6	700 - -	—
1832	- -	- - -	6,873	1,278 11 8	- -	533 2 6	700 - -	—
1833	- -	- - -	37,278	12,791 17 5	- -	3,454 11 6½	3,500 - -	—
1834	- -	- - -	77,265	17,875 19 1	15 - -	7,461 8 4½	6,437 - -	—
1835	- -	- - -	111,275	23,415 16 11½	- -	10,676 11 10½	9,500 - -	—
1836	- -	- - -	34,310	8,568 15 4	- -	15,159 11 2½	11,000 - -	—
1837	- -	- - -	18,822½	5,457 4 7½	25 5 -	11,916 5 6½	10,146 5 3½	555 11 1
Gross Expense of Collection and other contingent Expenses of Printing, Stationery, Postage, &c., during the above years						50,296 15 6½ 4,929 1 8½		
TOTAL	8,400	1,690 - -	299,811½	72,203 17 4	128 15 -	45,367 13 10	41,983 5 3½	555 11 1

The Account of Collections and Disbursements from 1st of January to 6th of August 1836 has not been rendered by the late Mr. Felton.

No Rectories have been created in Lower Canada.

Office of Crown Lands, Quebec, }
21 May 1838.

(signed) John Davidson.
T. Bouthillier.

No. 3.

AN ACCOUNT of the TOTAL AMOUNT of the PROCEEDS of the CLERGY RESERVES sold in *Upper and Lower Canada*, and at present invested in the Three per Cent. Consolidated Annuities.

— No. 12. —

AN ACCOUNT of the TOTAL AMOUNT of the PROCEEDS of the CLERGY RESERVES sold in *Upper and Lower Canada*, and at present invested in the Three per Cent. Consolidated Annuities. No. 12.

UPPER CANADA.

£. 82,210 10 8 - Producing an annual interest of - £. 2,466 6 2

LOWER CANADA.

£. 31,398 1 3 - Producing an annual interest of - £. 941 18 10

Pay Office, Civil Services, }
Treasury Chambers, }
26 August 1839. }

Samuel Beltz,
For the Paymaster of Civil Services.

— No. 13. —

(No. 20.)

COPY of a DESPATCH from Viscount *Goderich* to Sir *John Colborne*.

Sir,

Downing-street, 2 April 1831.

THE Commissioner of Crown Lands in Lower Canada having experienced some difficulty as to the manner in which he was to carry into effect the provisions of the Act of Parliament 7 & 8 Geo. 4, cap. 62, by investing in the public funds the proceeds, as they accrue, of the sale of clergy reserves, Lord Aylmer referred the subject to the Executive Council, with a suggestion that the Commissary-general should be invited to receive the proceeds in future from the Commissioner, and to transmit the same to the Lords of the Treasury, to be disposed of as their Lordships might be pleased to direct; and the Executive Council having adopted this suggestion, it was accordingly carried into effect in Lower Canada.

You will perceive, by the enclosed copy of a letter, addressed to my Under Secretary, that their Lordships have approved of the arrangement proposed by Lord Aylmer for remitting to this country the proceeds of the sale of the clergy reserves in Lower Canada; and as it is desirable that a uniformity of system should prevail in this respect, I am to desire that you will convey the necessary directions to Mr. Peter Robinson to pay over to the Commissary-general in Upper Canada the amount of any sum in his hands arising by the sale of clergy reserves in Upper Canada up to the 31st December last, and to continue to do so half-yearly as soon after the termination of the half year as circumstances will permit.

I have, &c.

(signed) *Goderich*.

No. 13.

Viscount *Goderich*
to Sir *J. Colborne*,
2 April 1831.

26 March 1831.

Enclosure in No. 13.

Sir,

Treasury Chambers, 26 March 1831.

THE Lords Commissioners of his Majesty's Treasury having had under their consideration your letter of the 8th instant, transmitting the copy of a Despatch from the Governor-general of Lower Canada, representing that the Commissioner of Crown Lands will pay into the hands of the Commissary-general the proceeds of the sale of clergy reserves in that province, I am commanded to acquaint you, for the information of Viscount *Goderich*, that My Lords approve of the measures adopted by Governor Lord Aylmer for remitting to this country the proceeds of the sale of the clergy reserves in Canada; and My Lords request to be acquainted from time to time with the payments made on this account into the military chest, in order that My Lords may give directions for the investment of corresponding sums in the Public Funds, in pursuance of the provisions of the Act 7 & 8 Geo. 4, cap. 62.

I am, &c.

R. W. Hay, Esq., &c. &c. &c.

(signed) *J. Stewart*.

Enclosure in No. 13.

CANADA.
(CLERGY RESERVE S).

- 1.—COPIES or EXTRACTS of DESPATCHES
from the SECRETARY of STATE for the
COLONIES and Sir GEORGE ARTHUR.
2.—ACCOUNT of the CLERGY RESERVES sold
in *Upper* and *Lower Canada* from the
Year 1827.
3.—ACCOUNT of the Total Amount of the
PROCEEDS of the CLERGY RESERVES sold
in *Upper* and *Lower Canada*.

(*Mr. Pakington.*)

Ordered, by The House of Commons, to be Printed,
15 August 1839.

[*Price 8d.*]

ORANGE LODGES, CANADA.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 7 August 1839;—for,

COPIES of DESPATCHES from Sir *George Arthur*, relating to ORANGE
LODGES in *Canada*, since the 17th day of May 1837.

Ordered, by The House of Commons, to be Printed, 17 August 1839.

(No. 150.)

COPY of a DESPATCH from Lieutenant-Governor Sir *George Arthur*, K.C.H.,
to the Marquess of *Normanby*.

Government House, Toronto,
1 July 1839.

My Lord,

AS there appears to be considerable and increasing excitement prevailing among the party in this Province, who, styling themselves reformers, include a considerable number of known republicans, which may call forth the manifestation of hostile feeling on the part of those who differ from their views, I have thought it right, in anticipation of the approaching anniversary of the Orangemen, to issue an earnest exhortation to them to endeavour to allay irritation, and to check as much as possible all strong expression of display of party feeling.

I have the honour to enclose a copy of this document, which, as your Lordship will perceive, is couched in the form of a circular letter, addressed by me to the magistrates of the different districts throughout the Province, and which has been transmitted to them through the respective clerks of the peace, accompanied with an injunction to the latter to make the substance of it generally known.

I have likewise caused the same document to be communicated to the Mayor and Corporation of the city of Toronto.

I have, &c.
(signed) *Geo. Arthur*.

Enclosure.

Gentlemen,

Government House, 24 June 1839.

ADVERTING to violations of the peace, which, on several occasions last year, were the consequence of certain public processions on the 12th July, I consider myself called upon to express my views upon the subject.

I cannot but feel a very deep regret that any cause should be allowed to exist for the recurrence of annual scenes which must necessarily have the effect of producing discord, and a feeling of ill-will, amongst the different classes of Her Majesty's subjects.

In the present condition of this Province, whether it be considered as regards the state of political feeling, or of religious sentiment, there is no one subject which requires greater attention from all truly loyal men, than the cultivation of kindly feelings towards each other. It therefore becomes imperatively the duty of every one, whatever may be his station or means, to carry out such a principle of action, and to encourage and foster such feelings.

The short, but eventful history of this Province, during the last 18 months, obviously shows that the great body of the people, without distinction of creed or party, were found remarkable for their fidelity to the Government, and their firmness in subduing domestic

as well as foreign enemies. Each class, therefore, should entertain for the high and generous qualities of the others those sentiments of respect to which they must necessarily feel themselves entitled.

Strongly impressed with these views, I would affectionately, yet earnestly, intreat the members of the associations alluded to, to consider seriously the very mischievous tendency of the divisions, by which they thus contribute to the agitation of the community, and to determine that they shall be no longer continued.

All persons must be aware that societies, similar in character, have been, for some time past, generally dissolved in the mother country. They originated in a peculiar state of things, which has passed away. Their existence, in the altered circumstances of the country, having been found to be pregnant with many injurious effects on the public welfare, they were put an end to.

Considering the state of our circumstances, it seems hardly possible to conceive that any friend to the best interests of this Province can wish to maintain here associations which are inapplicable to our social or religious condition, and which have been discountenanced by the highest authority in the country of their origin.

Whilst I am ever willing to recognise the good intentions of that class by which these associations are cherished, I must appeal to their good sense and correct principles for a willing compliance with my request.

It surely is not too much, in times like the present, when, at any hour, every man may be required to go forth with his neighbour in defence of his Queen and country, to call upon all to abstain from any proceedings calculated to revive past dissensions, or to rekindle animosities, which time and change of country should altogether extinguish.

For these reasons, it is my desire that each of the magistrates in the district should, by every means within his power, endeavour to make known my earnest wishes in this respect; and my hope, that by the mild measures of persuasion, those processions may be discontinued, which have hitherto tended so greatly to provoke animosity and unkindly feeling.

To the Magistrates of the District
of _____.

I have, &c.
(signed) *George Arthur.*

(No. 86.)

COPY of a DESPATCH from the Marquess of *Normanby* to Lieutenant-Governor Sir *George Arthur*, K. C. H.

Sir,

Downing-street, 28 July 1839.

I HAVE had the honour to receive your despatch of the 1st instant, No. 150, enclosing a copy of a circular letter addressed by you to the magistrates of Upper Canada, with a view to prevent the display of those party feelings, and the excitement of those party processions, which in former years have occurred at this season.

Previously to the receipt of your despatch, I had intended to write to you on the subject of statements which have appeared in the public papers relative to the continuance of Orange lodges in Upper Canada, and the excitement and irritation arising from them. I am happy to find that the suggestions which I had proposed to offer to you on this subject are now unnecessary. I entirely approve of the course which you have adopted, and of the tone of your communication to the magistrates; and I cannot but hope that an exhortation, framed in such a spirit, and proceeding from such a quarter, will have been sufficient to prevent any demonstration, of which the tendency is to excite and exasperate civil and religious animosity between different classes of Her Majesty's subjects.

I have, &c.
(signed) *Normanby.*

Colonial Office, Downing-street, }
14 August 1839.

H. LABOUCHERE.

ORANGE LODGES, CANADA.

COPIES of DESPATCHES from Sir George
Arthur relating to ORANGE LODGES in Canada,
since the 17th day of May 1837.

(*Mr. O'Connell.*)

Ordered, by The House of Commons, to be Printed,
17 August 1839.

UPPER CANADA.

RETURN to an Order of the Honourable The House of Commons,
dated 20 February 1839;—for,

RETURNS of the PUBLIC REVENUE received in *Upper Canada* in each of the Years 1833, 1834, 1835, 1836, 1837 and 1838, in respect of Casual and Territorial Revenue; DUTIES under the Imperial Act 14 Geo. 3, c. 88; under the Provincial Act 33 Geo. 3; under the Provincial Act 35 Geo. 3; under the Provincial Act 41 Geo. 3; under the Provincial Act 53 & 55 Geo. 3; in respect of Tolls at the *Burlington Bay* Canal and *Kettle Creek* Harbour, and from other Sources:—Also, a STATEMENT of the Amount of the PUBLIC DEBT of the Province in each Year, and of what Description:—Also, the EXPENDITURE of the Province of *Upper Canada*, during the Years 1833, 1834, 1835, 1836, 1837 and 1838, made out under the same Heads of Expenditure as the Estimate of Public Expenditure annually submitted to the House of Assembly of *Upper Canada*.

(For Returns relative to Lower Canada, *vide* Sessional Paper, No. 401, Ordered to be Printed 16 July 1839.)

Colonial Office, Downing-street, }
22 August 1839.

(Mr. Hume.)

Ordered, by The House of Commons, to be Printed,
24 August 1839.

(No. 157.)

Government House, Toronto,
16 July 1839.

My Lord,

21.

I HAVE the honour to transmit to your Lordship herewith the Returns of the Revenue and Expenditure of this Province from the year 1833 to 1838 inclusive; which have been prepared in conformity to an Order of the House of Commons, transmitted to me in your Lordship's Despatch, No. 217, of the 27th of February last.

I have, &c.

(signed) *Geo. Arthur.*The Marquis of Normanby,
&c. &c. &c.Receiver-general's Office, Toronto,
31 May 1839.

Sir,

IN compliance with the directions of his Excellency the Lieutenant-governor, communicated to me in your letter of the 6th ultimo. requiring certain information for the Colonial Office in relation to the Revenues of this province, pursuant to an Address of the Imperial Parliament to The Queen, I have caused to be prepared, and have herewith the honour to transmit to you, the following documents; viz.

Nos. 1 to 13. Returns of the Public Revenue paid into the hands of the Receiver-general in Lower Canada in each of the years 1832, 1833, 1834, 1835, 1836, 1837 and 1838, as furnished by that Officer, arising from Duties on Importations from Sea, under the Imperial Act 14 Geo. 3; and under the Provincial Acts 33 Geo. 3; 35 Geo. 3; 41 Geo. 3; 53 & 55 Geo. 3, c. 2; and 55 Geo. 3, c. 3; showing the proportion payable to the Province of Upper Canada.

No. 14. Return of the Public Revenue received in Upper Canada under the afore-mentioned Acts, as well as Canal, Harbour and Road Tolls, and from all other sources, in each of the years 1833 to 1838 inclusive, as credited in the Receiver-general's General Account Current of the Provincial Fund, denominated "Fund B."

No. 15. Return of the Expenditure from the above Provincial Fund for the same years respectively, made out under similar Heads of Expenditure as the Estimate of Public Expenditure annually submitted to the Provincial House of Assembly.

No. 16. Return of Receipts and Expenditure of Monies arising from the 14 Geo. 3, in Upper Canada up to 1836, since which period it is included in the Provincial Fund B.

No. 17. Return of Receipt and Expenditure of the Monies arising from the Sale of Crown Lands to the Canada, Company, denominated "Letter D., Canada Company Fund," for the years from 1833 to 1838 inclusive.

No. 18. Return of Monies received in respect of the Casual and Territorial Revenue, denominated "Fund K. on Queen's Rights," in each of the foregoing years respectively.

No. 19. Return of Expenditure from the foregoing Fund K. for the same years.

No. 20. Return of Receipts and Expenditure of Monies arising from Sales and Rents on Leases of Land reserved for the support of a Protestant Clergy, denominated "Letter E." for the same years.

* No. 21. Statement of the Public Debt of Upper Canada incurred in the raising of Monies by Government Debentures, under the authority of sundry Acts of the Provincial Legislature, in each year from 1833 to 1838 inclusively; showing the Amount of Debentures outstanding and payable within this Province, and also of those outstanding and payable in England, on the 31st day of December last.

I have, &c.

(signed) *John H. Dunn, H. M. R. G.*The Hon. John Macaulay, Civil Secretary,
&c. &c. &c.

* Return, No. 21, has not been received.

No. 1.

STATEMENT of MONIES paid into the hands of the RECEIVER-GENERAL of Lower Canada between the 1st July 1832 and the 1st January 1833, arising from DUTIES on IMPORTATIONS by SEA into the said Province, in virtue of the Imperial Act 14 Geo. 3, c. 88, and of sundry Provincial Acts, to a proportion of which the Province of Upper Canada is entitled, agreeably to the Provisions of the Imperial Act 3 Geo. 4, c. 119; according to Returns furnished from Lower Canada.

A C T S.					Quarter ended 5 July 1832.			Quarter ended 10 October 1832.		
					£.	s.	d.	£.	s.	d.
Under Imperial Act 14 Geo. 3, c. 88	-	-	-	-	18,548	-	5	18,353	18	10
Under Provincial Act 33 Geo. 3	-	-	-	-	737	1	10	1,298	6	10
Under Provincial Act 35 Geo. 3	-	-	-	-	2,005	5	10	12,281	11	-
Under Provincial Act 41 Geo. 3	-	-	-	-	31	18	3	506	19	4
Under Provincial Act 53 & 55 Geo. 3, c. 2	-	-	-	-	19,911	4	5	7,035	2	-
Under Provincial Act 55 Geo. 3, c. 3	-	-	-	-	3,319	10	11	1,272	3	4
					£.	44,553	1 8	40,748	1	4
Amount to 5 July 1832	-	-	-	-	-	-	-	44,553	1	8
TOTAL					-	-	-	85,301	3	-
Deduct expenses of collecting; viz.										
Incidental expenses at Quebec					714	4	6½			
Salary of two tide-waiters					50	-	-			
								764	4	6½
								84,536	18	5½
Upper Canada's proportion, one-fourth, is	-	-	-	-	-	-	-	21,134	4	7½
Equal to, sterling	-	-	-	-	-	-	£.	19,030	16	2

Receiver-general's Office, Toronto, Upper Canada, }
 31 May 1839. }
 Examined,
 James Nation, Act^g Inspector-general, P. P. Accounts.

John H. Dunn, H. M. R. G.

No. 2.

STATEMENT of MONIES paid into the hands of the RECEIVER-GENERAL of Lower Canada between the 1st January and the 1st July 1833, arising from DUTIES on IMPORTATIONS by SEA into the said Province, in virtue of the Imperial Act 14 Geo. 3, c. 88, and of sundry Provincial Acts, to a proportion of which the Province of Upper Canada is entitled, agreeably to the Provisions of the Imperial Act 3 Geo. 4, c. 119; according to Returns furnished from Lower Canada.

A C T S.					Quarter ended 5 January 1833.			Quarter ended 5 April and up to 1 May 1833.		
					£.	s.	d.	£.	s.	d.
Under Imperial Act 14 Geo. 3, c. 88	-	-	-	-	8,869	5	7	515	13	7
Under Provincial Act 33 Geo. 3	-	-	-	-	1,451	15	10	4	14	5
Under Provincial Act 35 Geo. 3	-	-	-	-	27,228	1	5	210	17	5
Under Provincial Act 41 Geo. 3	-	-	-	-	1,070	18	3	-	-	-
Under Provincial Act 53 & 55 Geo. 3, c. 2	-	-	-	-	7,734	18	8	154	19	11½
Under Provincial Act 55 Geo. 3, c. 3	-	-	-	-	874	8	10	33,265	7	-
					£.	47,229	8 7	34,151	12	4½
Amount to 5 January 1833	-	-	-	-	-	-	-	47,229	8	7
Deduct sundry expenses of collection; viz.										
Incidents at Quebec					179	5	7			
Salaries of two tide-waiters					50	-	-			
Incidents at Montreal					48	8	-			
								277	13	7
								81,103	7	4½
Upper Canada's proportion of one-fourth, is	-	-	-	-	-	-	-	20,275	16	10
Equal in sterling to	-	-	-	-	-	-	£.	18,248	5	2

Receiver-general's Office, Toronto, Upper Canada, }
 31 May 1839. }
 In absence of the Receiver-general,
 B. Turquand, Senior Clerk.
 Certified,
 James Nation, Act^g Inspector-general, P. P. Accounts.

No. 2—continued.

STATEMENT of MONIES paid into the hands of the RECEIVER-GENERAL of *Lower Canada* between the 1st July 1832 and the 1st July 1833, arising from DUTIES ON IMPORTATIONS by SEA into the said Province, by virtue of the Imperial Act 14 Geo. 3, c. 88, and of sundry Provincial Acts, to a proportion of which the Province of *Upper Canada* is entitled to receive, under the Award of the Arbitrators of the 26th June 1833, and agreeably to the Provisions of the Act of the Imperial Parliament, 3 Geo. 4, c. 119; according to Returns furnished from *Lower Canada*.

Net amount of duties levied in Lower Canada between the 1st July 1832 and the 1st January 1833, as per settlement rendered - - - - -	£. s. d.
Net amount of duties levied between the 1st January and the 1st July 1833 -	84,536 18 5
	81,103 7 4½
	165,640 5 9½
Proportion for Upper Canada, one-third, is - - - - -	55,213 8 7
Equal in sterling to - - - - -	49,692 1 9
On account of which Upper Canada has received,	
up to 1st January 1833, sterling - - - - - £. 19,020 16 2	
up to 1st July 1833, sterling - - - - - 18,248 5 2	
	37,269 1 4
Balance due, Upper Canada, sterling - - - - - £.	12,423 - 5

Receiver-general's Office, Toronto, Upper Canada, }
10 July 1839.

In absence of the Receiver-general,
B. Turquand, Senior Clerk.

Certified,
James Nation, Act^s Inspector-general, P. P. Accounts.

No. 3.

STATEMENT of MONIES paid into the hands of the RECEIVER-GENERAL of *Lower Canada* between the 1st July 1833 and the 1st January 1834, arising from DUTIES ON IMPORTATIONS by SEA into the said Province, in virtue of the Imperial Act 14 Geo. 3, c. 88, and of sundry Provincial Acts, to a proportion of which the Province of *Upper Canada* is entitled, agreeably to the Provisions of the Imperial Act 3 Geo. 4, c. 119; according to Returns furnished from *Lower Canada*.

A C T S.	Quarter ended 5 July 1833.	Quarter ended 10 October 1833.
	£. s. d.	£. s. d.
Under Imperial Act 14 Geo. 3, c. 88 - - - - -	22,315 15 4	21,107 16 10½
Under Provincial Act 33 Geo. 3 - - - - -	908 17 4	1,536 14 6
Under Provincial Act 35 Geo. 3 - - - - -	2,466 13 4	11,502 15 9
Under Provincial Act 41 Geo. 3 - - - - -	81 5 9	1,532 12 10
Under Provincial Act 53 & 55 Geo. 3, c. 2 - - - - -	16,592 17 2	8,895 7 3
Under Provincial Act 55 Geo. 3, c. 3 - - - - -	10,760 14 6	3,034 5 1
£.	53,126 3 5	47,609 12 3½
Amount to 5 July 1833 - - - - -	- - -	53,126 3 5
Deduct sundry incidental expenses of collection - - - - -	1,109 2 4	100,735 15 8½
Six months' salary of two tide-waiters - - - - -	50 - -	1,159 2 4
		99,576 13 4½
Proportion for Upper Canada, one-third, is, currency - - - - -	- - -	33,192 4 5½
Equal in sterling to - - - - - £.	- - -	29,873 - -

Receiver-general's Office, Toronto, Upper Canada, }
31 May 1839.

John H. Dunn, H. M. R. G.

Certified,
James Nation, Act^s Inspector-general, P. P. Accounts.

No. 4.

STATEMENT of MONIES paid into the hands of the RECEIVER-GENERAL of *Lower Canada* between the 1st January and the 1st July 1834, arising from DUTIES on IMPORTATIONS by SEA into the said Province, in virtue of the Imperial Act 14 Geo. 3, c. 88, and of sundry Provincial Acts, to a proportion of which the Province of *Upper Canada* is entitled, agreeably to the Provisions of the Imperial Act 3 Geo. 4, c. 119; according to Returns furnished from *Lower Canada*.

A C T S.	Quarter ended 5 January 1834.			Quarter ended 5 April and up to 1 May 1834.		
	£.	s.	d.	£.	s.	d.
Under Imperial Act 14 Geo. 3, c. 88 - - - - -	6,813	1	5	578	4	5
Under Provincial Act 33 Geo. 3 - - - - -	3,234	2	10	—	—	—
Under Provincial Act 35 Geo. 3 - - - - -	30,078	3	8	326	15	6
Under Provincial Act 41 Geo. 3 - - - - -	1,439	4	6	11	8	9
Under Provincial Act 53 & 55 Geo. 3, c. 2 - - - - -	7,583	12	10	1,144	6	9
Under Provincial Act 55 Geo. 3, c. 3 - - - - -	818	6	6	43,398	16	4
	£.	49,966	11 9	45,459	11	9
Amount to 5 January 1834 - - - - -	-	-	-	49,966	11	9
				95,426	3	6
Deduct expenses of collection at Quebec - - - - -	455	12	6			
Deduct expenses of collection at Montreal - - - - -	153	14	1			
Six month's salary of two tide-waiters - - - - -	50	-	-			
				659	6	7
Net Amount - - - - -	-	-	-	94,766	16	11
Proportion for Upper Canada, one-third, is, currency - - - - -	-	-	-	31,588	19	-
Equal in sterling to - - - - -	-	-	£.	28,430	1	1

Receiver-general's Office, Toronto, Upper Canada, }
31 May 1839.

John H. Dunn, H. M. R. G.

Certified,
James Nation, Act^g Inspector-general, P. P. Accounts.

No. 5.

STATEMENT of MONIES paid into the hands of the RECEIVER-GENERAL of *Lower Canada* between the 1st July 1834 and the 1st January 1835, arising from DUTIES on IMPORTATIONS by SEA into the said Province, in virtue of the Imperial Act 14 Geo. 3, c. 88, and of sundry Provincial Acts, to a proportion of which the Province of *Upper Canada* is entitled, under the Provisions of the Imperial Act 3 Geo. 4, c. 119; according to Returns furnished from *Lower Canada*.

A C T S.	Quarter ended 5 July 1834.			Quarter ended 10 October 1834.		
	£.	s.	d.	£.	s.	d.
Under Imperial Act 14 Geo. 3, c. 88 - - - - -	18,885	12	11	9,957	17	9
Under Provincial Act 33 Geo. 3 - - - - -	595	1	10	994	19	6
Under Provincial Act 35 Geo. 3 - - - - -	2,039	4	1	13,988	19	-
Under Provincial Act 41 Geo. 3 - - - - -	8	8	9	694	12	9
Under Provincial Act 53 & 55 Geo. 3, c. 2 - - - - -	12,190	1	9	4,736	17	9
Under Provincial Act 55 Geo. 3, c. 3 - - - - -	1,847	18	10	1,338	19	2
	£	35,566	8 2	31,712	5	11
Amount to 5 July 1834 - - - - -	-	-	-	35,566	8	2
				67,278	14	1
Amount detained by the Collector of Quebec in 1830, for per- centage on certain provincial duties, now refunded by order of the Treasury - - - - -	-	-	-	2,035	10	7
				69,314	4	8
Deduct sundry expenses of collection - - - - -	-	-	-	901	10	-
Net Amount - - - - -	-	-	-	68,412	14	8
The proportion of Upper Canada, one-third, is, currency - - - - -	-	-	-	22,804	4	10 3
Equal in sterling to - - - - -	-	-	£.	20,523	16	5

Receiver-general's Office, Toronto, Upper Canada, }
31 May 1839.

John H. Dunn, H. M. R. G.

Certified,
James Nation, Act^g Inspector-general, P. P. Accounts.

No. 6.

STATEMENT of MONIES paid into the hands of the RECEIVER-GENERAL of *Lower Canada* between the 1st January and the 1st July 1835, arising from DUTIES on IMPORTATIONS by SEA into the said Province, in virtue of the Imperial Act 14 Geo. 3, c. 88, and of sundry Provincial Acts, to a proportion of which the Province of *Upper Canada* is entitled, agreeably to the Provisions of the Imperial Act 3 Geo. 4, c. 119 ; according to Returns furnished from *Lower Canada*.

A C T S.	Quarter ended 5 January 1835.			Quarter ended 5 April and up to 1 May 1835.		
	£.	s.	d.	£.	s.	d.
Under Imperial Act 14 Geo. 3, c. 88 - - - - -	8,113	18	1	450	10	4
Under Provincial Act 33 Geo. 3 - - - - -	1,734	19	6	5	-	8
Under Provincial Act 35 Geo. 3 - - - - -	21,828	14	11	97	5	1
Under Provincial Act 41 Geo. 3 - - - - -	1,649	12	6	226	7	3
Under Provincial Act 53 & 55 Geo. 3, c. 2 - - - - -	5,381	11	6	421	1	1
Under Provincial Act 55 Geo. 3, c. 3 - - - - -	855	7	9	29,743	14	7
	£.	39,564	4 3	30,943	19	-
				39,564	4	3
				70,508	3	3
Deduct several sundry expenses of collection - - - - -				401	5	8
	Net	-	-	70,106	17	7
Proportion for Upper Canada, one third, is, currency - - - - -				23,368	19	2
Equal to, in sterling - - - - -				£.	21,032	1 3

Receiver-general's Office, Toronto, Upper Canada, }
31 May 1839.
Certified,
James Nation, Act^s Inspector-general, P. P. Accounts.

John H. Dunn, H. M. R. G.

No. 7.

STATEMENT of MONIES paid into the hands of the RECEIVER-GENERAL of *Lower Canada* between the 1st July 1835 and the 1st January 1836, arising from DUTIES on IMPORTATIONS by SEA into the said Province, to a proportion of which the Province of *Upper Canada* is entitled, agreeably to the Provisions of the Imperial Act 3 Geo. 4, c. 119; according to Returns furnished from *Lower Canada*.

A C T S.	Quarter ended 5 July 1835.			Quarter ended 10 October 1835.		
	£.	s.	d.	£.	s.	d.
Imperial Act 14 Geo. 3, c. 88 - - - - -	21,166	14	3	17,682	1	10
Provincial Act 33 Geo. 3 - - - - -	476	4	10	841	11	10
Provincial Act 35 Geo. 3 - - - - -	1,747	16	7	8,180	11	3
Provincial Act 41 Geo. 3 - - - - -	434	17	5	198	18	11
Provincial Act 53 & 55 Geo. 3, c. 2 - - - - -	15,093	1	9	8,456	4	2
Provincial Act 55 Geo. 3, c. 3 - - - - -	1,487	7	7	1,541	1	8
	£.	40,406	2 5	36,900	9	8
Amount to 5 July 1835 - - - - -				40,406	2	5
				77,306	12	1
Amount paid in the quarter ending 5 January 1836 - - - - -				15,307	13	10
Currency - - - - -				92,614	5	11
The proportion for Upper Canada is one-third currency - - - - -				30,871	8	7
Equal in sterling to - - - - -				£.	27,784	5 8

Receiver-general's Office, Toronto, Upper Canada, }
31 May 1839.
Certified,
James Nation, Act^s Inspector-general, P. P. Accounts.

John H. Dunn, H. M. R. G.

No. 8.

STATEMENT of MONIES paid to the RECEIVER-GENERAL of *Lower Canada* between the 1st January and the 1st July 1836, arising from DUTIES on IMPORTATIONS by SEA into the said Province, to a proportion of which the Province of *Upper Canada* is entitled, under the Provisions of the Imperial Act 3 Geo. 4, c. 119; according to Returns furnished from *Lower Canada*.

A C T S.	Quarter ended 5 January 1836.			Quarter ended 5 April and up to 1 May 1836.		
	£.	s.	d.	£.	s.	d.
Imperial Act 14 Geo. 3, c. 88 - - - - -	6,298	13	2	44	1	-
Provincial Act 33 Geo. 3 - - - - -	823	4	8	-	-	-
Provincial Act 35 Geo. 3 - - - - -	12,765	11	5	38	16	11
Provincial Act 41 Geo. 3 - - - - -	1,157	10	4	13	13	3
Provincial Act 53 & 55 Geo. 3, c. 2 - - - - -	8,950	1	1	1,610	12	11
Provincial Act 55 Geo. 3, c. 3 - - - - -	358	18	11	26,107	8	6
	30,353	19	7	27,814	12	7
Amount for quarter ended 5 January 1836 - - - - -	-	-	-	30,353	19	7
Amount paid on account of quarter ending 5 July 1836 - - - - -	-	-	-	19,615	7	8
Deduct expenses of collection; viz.				77,783	19	10
Incidental expenses at Quebec and Montreal - - - - -	1,232	10	2			
Salaries of two tide-waiters at Quebec for 12 months to 31 March 1836 - - - - -	100	-	-			
				1,332	10	2
Net - - - - -				76,451	9	8
Of which the proportion for Upper Canada is one-third, currency - - - - -				25,483	16	7
Equal in sterling to - - - - -				22,935	8	11

Receiver-general's Office, Toronto, Upper Canada, }
31 May 1839.

John H. Dunn, H. M. R. G.

Certified,
James Nation, Act Inspector-general, P. P. Accounts.

No. 9.

STATEMENT of MONIES paid into the hands of the RECEIVER-GENERAL of *Lower Canada* between the 1st July 1836 and the 1st January 1837, arising from DUTIES levied on IMPORTATIONS by SEA into the said Province, to a proportion of which the Province of *Upper Canada* is entitled, under the Provisions of the Imperial Act 3 Geo. 4, c. 119; according to Returns furnished from *Lower Canada*.

A C T S	In quarter ended 5 July 1836.			In quarter ended 10 October 1836.		
	£.	s.	d.	£.	s.	d.
Imperial Act 14 Geo. 3, c. 88 - - - - -	14,990	10	5	7,055	2	9
Provincial Act 33 Geo. 3 - - - - -	619	14	10	567	16	4
Provincial Act 35 Geo. 3 - - - - -	1,397	8	3	9,783	16	1
Provincial Act 41 Geo. 3 - - - - -	24	19	4	1,013	8	2
Provincial Act 53 & 55 Geo. 3, c. 2 - - - - -	21,226	2	3	9,295	4	6
Provincial Act 55 Geo. 3, c. 3 - - - - -	1,733	15	11	919	7	10
	39,992	11	-	28,034	15	8
Less so much paid to the Receiver-general previous to the 1st July, on account of quarter ended 5th July, and credited in statement up to 1st July - - - - -	19,615	7	8			
	20,377	3	4	28,034	15	8
Balance of quarter ended 5 July 1836 - - - - -	-	-	-	20,377	3	4
Deduct expenses of collection; viz.				49,011	19	-
Incidental expenses at Quebec and Montreal - - - - -	909	1	9			
Salary of two tide-waiters at Quebec for six months to 30 September 1836 - - - - -	50	-	-			
				959	1	9
Net currency - - - - -				48,052	17	3
Proportion for Upper Canada, 38½ per cent., is, currency - - - - -				18,500	7	-
Equal in sterling to - - - - -				16,650	6	4

Receiver-general's Office, Toronto, Upper Canada, }
31 May 1839.

John H. Dunn, H. M. R. G.

Certified,
James Nation, Act Inspector-general, P. P. Accounts.

No. 10.

STATEMENT of MONIES paid into the hands of the RECEIVER-GENERAL of *Lower Canada* between the 1st day of January and the 1st day of July 1837, arising from DUTIES on IMPORTATIONS by SEA into the said Province, to a proportion of which the Province of *Upper Canada* is entitled, under the Provisions of the Imperial Act 3 Geo. 4, c. 119 ; according to Returns furnished from *Lower Canada*.

A C T S.	For Quarter ended 5 January 1837.			For Quarter ended and up to 1 May 1837.		
	£.	s.	d.	£.	s.	d.
Imperial Act 14 Geo. 3, c. 88 - - - - -	3,519	-	7	495	13	11
Provincial Act 33 Geo. 3 - - - - -	814	-	-	3	7	4
Provincial Act 35 Geo. 3 - - - - -	21,007	17	-	145	16	10
Provincial Act 41 Geo. 3 - - - - -	526	3	7	11	14	8
Provincial Act 53 & 55 Geo. 3, c. 2 - - - - -	13,673	13	8	1,090	9	5
Provincial Act 55 Geo. 3, c. 3 - - - - -	565	19	7	20,826	12	5
	£.	40,106	14 5		22,573	14 7
Amount in quarter ended 5 January 1837 - - - - -	-	-	-		40,106	14 5
Deduct expenses of collection ; viz.					62,680	9 -
Incidents at Quebec to 1st January 1837 - - - - -	125	6	2			
Incidents at Montreal to 1st January 1837 - - - - -	105	9	4			
Incidents at Quebec to 5th April 1837 - - - - -	76	16	-½			
Incidents at Montreal to 5th April 1837 - - - - -	34	13	10			
Salary of two tide-waiters at Quebec from the 1st October 1836 to 31st March 1837 - - - - -	50	-	-			
					392	5 4½
Net currency - - - - -	-	-	-		62,288	3 7½
Proportion for Upper Canada, 38½ per cent., is, currency - - - - -	-	-	-		23,980	18 11½
Equal in sterling to - - - - -	-	-	-	£.	21,582	17 1

Receiver-general's Office, Toronto, Upper Canada, }
31 May 1839.

Certified,
James Nation, Act^s Inspector-general, P. P. Accounts.

John H. Dunn, H. M. R. G.

No. 11.

STATEMENT of MONIES paid into the hands of the RECEIVER-GENERAL of *Lower Canada* between the 1st July 1837 and the 1st January 1838, arising from DUTIES on IMPORTATIONS by SEA into the said Province, to a proportion of which the Province of *Upper Canada* is entitled, under the Provisions of the Imperial Act 3 Geo. 4, c. 119 ; according to Returns furnished from *Lower Canada*.

A C T S.	In Quarter ended 5 July 1837.			In the Quarter ended 10 October 1837.		
	£.	s.	d.	£.	s.	d.
Imperial Act 14 Geo. 3, c. 88 - - - - -	9,459	12	11	4,656	18	1
Provincial Act 33 Geo. 3 - - - - -	415	5	8	579	14	4
Provincial Act 35 Geo. 3 - - - - -	845	1	5	11,270	5	-
Provincial Act 41 Geo. 3 - - - - -	2	3	10	38	15	8
Provincial Act 53 & 55 Geo. 3, c. 2 - - - - -	15,310	-	8	6,176	18	3
Provincial Act 55 Geo. 3, c. 3 - - - - -	870	8	9	497	12	4
	£.	26,902	13 3		23,220	4 5
Amount in quarter ended 5 July 1837 - - - - -	-	-	-		26,902	13 3
Deduct expenses of collection ; viz.					50,122	17 8
Incidental expenses at Quebec and Montreal - - - - -	998	19	5			
Salaries of two tide-waiters at Quebec for six months 'to 30 September 1837 - - - - -	50	-	-			
					1,048	19 5
Net currency - - - - -	-	-	-		49,073	18 3
Proportion for Upper Canada, 38½ per cent., is, currency - - - - -	-	-	-		18,893	9 1½
Equal in sterling to - - - - -	-	-	-	£.	17,004	2 3

Receiver-general's Office, Toronto, Upper Canada, }
31 May 1839.

Certified,
James Nation, Act^s Inspector-general P. P. Accounts.

John H. Dunn, H. M. R. G.

No. 12.

STATEMENT of MONIES paid to the RECEIVER-GENERAL of *Lower Canada* between the 1st January and the 1st July 1838, arising from DUTIES on IMPORTATIONS by SEA into the said Province, to a proportion of which the Province of *Upper Canada* is entitled, under the Provisions of the Imperial Act 3 Geo. 4, c. 119; according to Returns furnished from *Lower Canada*.

ACTS.	In the Quarter ended 5 January 1838.			In the Quarter ended 5 April and up to 1 May 1838.		
	£.	s.	d.	£.	s.	d.
Imperial Act 14 Geo. 3, c. 88 - - - - -	2,171	18	4	194	4	8
Provincial Act 33 Geo. 3 - - - - -	309	-	2	122	14	8
Provincial Act 35 Geo. 3 - - - - -	12,055	9	1	2,456	12	1
Provincial Act 41 Geo. 3 - - - - -	553	10	9	7	1	-
Provincial Act 53 & 55 Geo. 3, c. 2 - - - - -	5,354	15	6	5,211	16	10
Provincial Act 55 Geo. 3, c. 3 - - - - -	330	11	6	15,130	5	9
	£.	20,775	5 4	23,122	15	-
Amount for quarter ended 5 January 1838 - - - - -	-	-	-	20,775	5	4
Amount paid on account of quarter ending 5 July 1838 - - - - -	-	-	-	5,258	14	1
Deduct expenses of collection; viz.				49,156	14	5
Incidents at Quebec and Montreal - - - - -	281	8	5			
Salaries of two tide-waiters at Quebec and Montreal, from 1 October 1837 to 31 March 1838 - - - - -	50	-	-	331	8	5
Net currency - - - - -	-	-	-	48,825	6	-
Proportion for Upper Canada, 38½ per cent. is, currency - - - - -	-	-	-	18,797	14	10
Equal in sterling to - - - - -	-	-	£.	16,917	19	4

Receiver-general's Office, Toronto, Upper Canada, }
31 May 1839.

John H. Dunn, H. M. R. G.

Certified,
James Nation, Acting Inspector-general, P. P. Accounts.

No. 13.

STATEMENT of MONIES paid into the hands of the RECEIVER-GENERAL of *Lower Canada* between the 1st July 1838 and the 1st January 1839, arising from DUTIES levied on IMPORTATIONS by SEA into the said Province, to a portion of which the Province of *Upper Canada* is entitled, under the Provisions of the Imperial Act 3 Geo. 4, c. 119; according to Returns furnished from *Lower Canada*.

ACTS.	Quarter ended 5 July 1838.			Quarter ended 10 October 1838.		
	£.	s.	d.	£.	s.	d.
Imperial Act 14 Geo. 3, c. 88 - - - - -	19,297	18	1	13,498	18	1
Provincial Act 33 Geo. 3 - - - - -	416	4	10	998	1	8
Provincial Act 35 Geo. 3 - - - - -	1,428	17	11	10,175	17	7
Provincial Act 41 Geo. 3 - - - - -	18	16	9	483	8	4
Provincial Act 53 & 55 Geo. 3, c. 2 - - - - -	9,063	13	8	7,793	15	7
Provincial Act 55 Geo. 3, c. 3 - - - - -	1,208	12	4	1,270	9	1
	31,434	3	7	34,220	10	4
Less so much paid to the Receiver-general, on account of quarter ended 5 July 1838, previous to 5 July 1838, and credited in the last statement up to that date - - - - -	5,258	14	1	26,175	9	6
Amount paid on account of the quarter ended 5 January 1839 - - - - -	-	-	-	6,403	16	11
Expenses of collection:—				66,799	16	9
Incidental expenses at Quebec and Montreal - - - - -	940	-	1½			
Salaries of two tide-waiters, from 1 April to 30 Sept. 1838 - - - - -	50	-	-	990	-	1½
Net currency - - - - -	-	-	-	65,809	16	7½
Proportion for Upper Canada, 38½ per cent. is, currency - - - - -	-	-	-	25,336	15	7
Equal in sterling to - - - - -	-	-	£.	22,803	2	-

Receiver-general's Office, Toronto, Upper Canada, }
31 May 1839.

John H. Dunn, H. M. R. G.

Certified,
James Nation, Acting Inspector-general, P. P. Accounts.

No. 14.

RETURN of the PUBLIC REVENUE, &c., received in Upper Canada in each of the Years 1833, 1834, 1835, 1836, 1837 and 1838 inclusive, and credited in the Receiver-general's General Account Current of the Provincial Fund (denominated Letter B.), for those Years respectively, required by the Imperial Legislature, by Despatch, dated Downing-street, 27 February 1839.

RECEIVER-GENERAL'S RECEIPTS.	1833.	1834.	1835.	1836.	1837.	1838.
	Currency. £. s. d.	Currency. £. s. d.	Currency. £. s. d.	Currency. £. s. d.	Currency. £. s. d.	Currency. £. s. d.
Proportion of Import Duties from Lower Canada -	41,410 1 6	64,781 - 11	46,173 4 1	56,355 5 2	42,481 6 -	37,691 4 -
From Lower Canada, being the sum due to this province under the award of the arbitrators of 26th June 1833, being the difference between one-third and one-fourth of the duties collected at the Port of Quebec, from the 1st July 1832 to 1st July 1833 -	13,803 7 1½	-	-	-	-	-
Dividends on Upper Canada Bank Stock -	2,000 - -	2,000 - -	2,000 - -	2,000 - -	2,000 - -	2,000 - -
Bonus of 6 per cent. on Upper Canada Bank Stock -	1,500 - -	-	1,000 - -	-	-	-
Duties on imports from the United States -	8,184 12 9½	10,725 1 1½	13,895 19 7	11,452 5 -½	11,470 18 9½	10,766 15 3½
Duties on salt -	2,532 5 3½	-	-	-	-	-
Duties on licenses to hawkers and pedlars -	487 15 -½	540 - -	404 15 -	343 18 1	230 11 11	97 14 11½
Duties on licenses to auctioneers and on sales at auction -	554 - 6	495 11 10½	530 3 8½	417 1 3	634 1 4½	442 18 6½
Duties on shop, tavern and still licenses -	6,330 - 10½	6,911 13 7½	7,166 8 4	8,211 15 5½	7,655 10 7	6,881 1 9½
Duties on ale and beer licenses -	4 - -	7 - -	17 10 -	43 11 3	9 10 -	23 - -
Tolls, Burlington Canal -	915 10 -	1,091 5 -	1,733 8 5	1,118 16 4	247 10 8½	820 16 5½
Tolls, Kettle Creek Harbour -	314 5 -	584 1 9	272 12 9	371 9 4	173 1 9	500 - -
Tolls, Inland Waters, Newcastle District -	60 - -	60 - -	-	-	-	-
Tolls, Brantford Bridge -	- - -	- - -	136 17 -	-	-	-
Toronto Harbour dues -	- - -	- - -	- - -	- - -	- - -	223 8 5
Light-house dues -	54 5 -	- - -	- - -	- - -	- - -	- - -
From sundry collectors, on account of light-house duties and tonnage -	- - -	- - -	- - -	- - -	174 8 6½	209 5 2
Unexpended balance of appropriation for cholera expenses -	2 8 11½	- - -	- - -	- - -	- - -	- - -
Proceeds of debentures -	- - -	- - -	- - -	- - -	124,855 11 2	150,927 15 6½
On account of Welland Canal -	1,250 - -	- - -	- - -	- - -	- - -	- - -
Inland Waters, Newcastle District -	2,000 - -	- - -	- - -	- - -	- - -	- - -
River Trent Bridge -	2,000 - -	- - -	- - -	359 - -	- - -	- - -
Brantford Bridge -	1,500 - -	- - -	- - -	- - -	- - -	- - -
INTEREST ON LOANS.						
Oakville Harbour -	75 - -	75 - -	- - -	- - -	- - -	- - -
Desjardins Canal -	150 - -	- - -	- - -	- - -	1,770 - -	- - -
Cobourg Harbour -	88 2 6	176 5 -	88 2 6	176 5 -	236 5 -	- - -
Port Hope Harbour -	58 15 -	58 15 -	- - -	- - -	- - -	- - -
York Roads -	- - -	177 - -	456 - -	300 - -	2,304 3 8½	3,711 9 2½
Welland Canal -	- - -	- - -	- - -	- - -	- - -	1,326 10 2
Erie and Ontario Rail Road -	- - -	- - -	- - -	- - -	- - -	150 - -
Queenston to Grimsby Macadamized Road -	- - -	- - -	- - -	- - -	- - -	416 13 3½
Johnstown District -	- - -	- - -	- - -	- - -	- - -	175 17 5
Kingston to Napanee -	- - -	- - -	- - -	- - -	- - -	1,081 13 5
Dundas to Waterloo -	- - -	- - -	- - -	- - -	- - -	494 5 4
River Trent Navigation -	- - -	- - -	- - -	- - -	- - -	270 4 10
Hamilton to Brantford Macadamized Road -	- - -	- - -	- - -	- - -	- - -	661 11 1
Proceeds of bills of exchange, drawn in London, on account of debentures negotiated there -	- - -	208,466 4 11½	78,583 6 8	104,341 5 7	186,959 9 2	- - -
From the Hon. D. Cameron, Inspector, Home District, for weights and measures for the Ottawa District -	- - -	69 10 -	- - -	- - -	- - -	- - -
Surplus road money, from Treasurer, Midland District -	- - -	- - -	2 15 -	- - -	- - -	- - -
From the Commercial Bank, for interest on a balance of debentures, payable in England, sold to that institution, remaining in their hands, uncalled for -	- - -	- - -	- - -	- - -	639 18 2	54 15 10
Fines for exemption from militia service -	- - -	- - -	- - -	- - -	- - -	86 - -
Militia commissions -	- - -	- - -	- - -	- - -	- - -	231 15 -
Premium on a draft by the Receiver-general upon his agent at Montreal -	- - -	- - -	- - -	- - -	- - -	120 - -
Refunded by the Treasurer of the London District, being so much overpaid him on account of common schools -	- - -	- - -	- - -	- - -	- - -	150 - -
From the Commissioner of Light-house, Nine-mile Point -	5 1 3	- - -	- - -	- - -	- - -	- - -
CURRENCY - - - £.	85,279 10 10½	296,218 9 2½	152,461 3 -½	185,490 12 6	381,842 6 11	219,514 15 8
EQUAL TO STERLING - - £.	76,751 11 9	266,596 12 3½	137,215 - 9½	166,941 11 3	343,658 2 2½	197,563 6 1½

Receiver-general's Office, Toronto, }
31 May 1839.

(E. E.)

John H. Dunn, H. M. R. G.

Certified,
James Nation, Act^s Inspector-general, P. P. Accounts.

No. 15.

RETURN of the EXPENDITURE of the Province of *Upper Canada* in each of the Years 1833, 1834, 1835, 1836, 1837 and 1838 inclusive, under the Authority of the Provincial Parliament, and chargeable in the Receiver-general's General Account Current of the Provincial Fund (denominated Letter B.), for those Years respectively, required by the Imperial Legislature, by Despatch, dated Downing-street, 27 February 1839.

FOR WHAT SERVICE.	1833.	1834.	1835.	1836.	1837.	1838.
	Currency.	Currency.	Currency.	Currency.	Currency.	Currency.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
SALARIES, &c.						
Lieutenant-governor - - - - -	2,222 4 5	2,222 4 5	2,222 4 5	2,222 4 5	2,222 4 5	2,222 4 5
Four Executive Councillors, to the year 1836 inclusive, and five from that year to 1838 inclusive, at 111 <i>l.</i> 2 <i>s.</i> 2½ <i>d.</i> currency, per annum, each - - - - -	404 2 1½	555 11 -½	444 8 10	509 7 1½	499 19 11½	555 11 -½
Vice-chancellor - - - - -	- - - - -	- - - - -	- - - - -	- - - - -	342 9 3¼	1,250 - -
The Chief Justice - - - - -	1,666 13 4	1,666 13 4	1,666 13 4	1,666 13 4	1,666 13 4	1,666 13 4
Two Puisne Judges to the year 1837, and four for the year 1838, at 1,000 <i>l.</i> per annum each - - - - -	2,000 - -	2,000 - -	2,000 - -	2,000 - -	2,547 18 10½	4,000 - -
Travelling expenses of the Judges - - - - -	- - - - -	- - - - -	- - - - -	- - - - -	1,966 13 3½	650 - -
Attorney-general - - - - -	275 6 9¾	1,082 15 5½	975 - -	575 - -	1,600 - -	1,200 - -
Solicitor-general - - - - -	287 18 10½	600 - -	300 - -	486 2 2½	788 17 9½	600 - -
Compensation to the Attorney-general - - - - -	643 19 4	69 3 9	- - - - -	- - - - -	- - - - -	- - - - -
Ditto - - to Solicitor-general - - - - -	531 7 8¾	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -
Queen's Counsel - - - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -	350 10 -
GOVERNMENT OFFICE.						
Civil Secretary - - - - -	299 19 11¾	204 3 3	208 6 8	208 10 -½	208 - -	208 - -
First Clerk - - - - -	416 13 3	277 15 6	288 17 9	300 - -	300 - -	300 - -
Second ditto - - - - -	300 - -	200 - -	200 - -	200 - -	200 - -	200 - -
Third ditto - - - - -	255 - -	170 - -	172 10 -	175 - -	175 - -	175 - -
Junior Clerk - - - - -	- - - - -	- - - - -	- - - - -	82 10 -	170 - -	175 - -
Mr. Henry Cotton - - - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -
Contingent expenses - - - - -	512 14 11½	420 13 3	383 - 9½	204 15 1	852 12 11½	1,073 3 -½
Postage of letters to and from Government Office - - - - -	405 15 2	440 2 8	538 10 2	141 17 3	1,422 17 3½	855 4 7
RECEIVER-GENERAL'S OFFICE.						
Receiver-general - - - - -	777 15 6½	777 15 6½	777 15 6½	777 15 6½	777 15 6½	777 15 6½
First Clerk - - - - -	375 - -	250 - -	275 - -	300 - -	300 - -	300 - -
Second ditto - - - - -	300 - -	200 - -	200 - -	200 - -	242 3 9¾	166 19 8½
Third ditto - - - - -	- - - - -	- - - - -	- - - - -	87 10 -	150 - -	170 5 5½
Contingent expenses - - - - -	118 15 3¼	304 8 9½	158 17 6	203 16 4½	178 5 3¼	267 19 7½
EXECUTIVE COUNCIL OFFICE.						
Clerk of Executive Council - - - - -	222 4 5	222 4 5	222 4 5	222 4 5	222 4 5	222 4 5
Senior Clerk - - - - -	375 - -	250 - -	250 - -	275 - -	300 - -	300 - -
Second ditto - - - - -	300 - -	200 - -	185 - -	248 18 8½	136 1 3¼	230 - -
Third ditto - - - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -	85 - -
Fourth ditto - - - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -	85 - -
Contingent expenses - - - - -	115 10 7½	123 6 7	78 19 7	133 3 8	133 7 6	133 18 1
PROVINCIAL SECRETARY'S OFFICE.						
Deputy Secretary and Registrar - - - - -	- - - - -	500 - -	100 - -	600 - -	150 - -	300 - -
First Clerk - - - - -	- - - - -	- - - - -	- - - - -	- - - - -	100 - -	200 - -
Contingent expenses - - - - -	- - - - -	375 - -	146 5 9	- - - - -	1,009 4 10	- - - - -
INSPECTOR-GENERAL'S OFFICE.						
Inspector-general - - - - -	389 8 10½	405 11 1	405 11 1	405 11 1	405 11 1	506 2 2½
First Clerk - - - - -	375 - -	250 - -	250 - -	275 - -	300 - -	300 - -
Junior ditto - - - - -	300 - -	200 - -	185 - -	185 - -	200 - -	200 - -
Contingent expenses - - - - -	- - - - -	- - - - -	81 13 3½	39 - 8	141 14 10	49 16 11
Postage of letters - - - - -	57 5 9½	35 5 4	- - - - -	- - - - -	- - - - -	- - - - -
SURVEYOR-GENERAL'S OFFICE.						
Senior Surveyor - - - - -	450 - -	300 - -	300 - -	300 - -	300 - -	300 - -
First Clerk - - - - -	450 - -	300 - -	300 - -	300 - -	300 - -	300 - -
Second ditto - - - - -	300 - -	225 - -	250 - -	185 - -	200 - -	200 - -
Third ditto - - - - -	225 - -	160 - -	170 - -	196 - 2½	170 - -	170 - -
Fourth ditto - - - - -	225 - -	160 - -	170 - -	85 - -	170 - -	170 - -
Fifth ditto - - - - -	- - - - -	- - - - -	- - - - -	98 15 -	101 10 -	224 5 2¼
Sixth ditto - - - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -	85 - -
District returns - - - - -	34 7 6	73 5 -	39 - -	42 2 6	- - - - -	42 15 -
Contingent expenses - - - - -	- - - - -	- - - - -	- - - - -	- - - - -	75 3 11	72 17 10
ADJUTANT-GENERAL'S OFFICE.						
Adjutant-general - - - - -	365 - -	365 - -	365 - -	365 - -	365 - -	365 - -
Assistant Adjutant-general - - - - -	200 - -	200 - -	200 - -	200 - -	200 - -	200 - -
Clerk - - - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -	62 10 -
Contingent expenses - - - - -	85 - -	85 - -	85 - -	85 - -	85 - -	85 - -
LEGISLATIVE COUNCIL.						
Speaker - - - - -	- - - - -	500 - -	100 - -	- - - - -	- - - - -	- - - - -
Clerk - - - - -	200 - -	200 - -	200 - -	200 - -	200 - -	200 - -
Contingencies - - - - -	1,484 12 9	1,957 15 8½	2,411 - 10	1,741 - -	2,348 1 5½	2,637 15 10
Chaplain - - - - -	50 - -	50 - -	50 - -	50 - -	50 - -	50 - -
Master in Chancery - - - - -	50 - -	50 - -	50 - -	50 - -	50 - -	50 - -

(continued.)

RETURN of the Expenditure of the Province of *Upper Canada* in each of the Years 1833, 1834, 1835, 1836, 1837 and 1838 inclusive—*continued.*

FOR WHAT SERVICE.	1833.	1834.	1835.	1836.	1837.	1838.
	<i>Currency.</i>	<i>Currency.</i>	<i>Currency.</i>	<i>Currency.</i>	<i>Currency.</i>	<i>Currency.</i>
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
LEGISLATIVE COUNCIL— <i>continued.</i>						
Usher of Black Rod - - - - -	50 - -	48 - 3 $\frac{1}{4}$	50 - -	50 - -	50 - -	50 - -
Contingent expenses - - - - -	409 6 10 $\frac{1}{2}$	300 11 6	305 16 11	329 5 -	347 6 7	350 - -
Doorkeeper - - - - -	20 - -	20 - -	20 - -	20 - -	20 - -	20 - -
Copying Clerks - - - - -	25 - -	- - -	25 - -	25 - -	25 - -	25 - -
HOUSE OF ASSEMBLY.						
Speaker - - - - -	200 - -	200 - -	200 - -	200 - -	190 8 2 $\frac{1}{2}$	209 11 9 $\frac{1}{2}$
Clerk - - - - -	200 - -	200 - -	200 - -	200 - -	200 - -	200 - -
Contingent expenses - - - - -	3,232 - 11 $\frac{1}{4}$	4,911 4 9 $\frac{1}{2}$	6,093 5 4 $\frac{1}{2}$	7,864 1 8 $\frac{1}{2}$	10,541 - 6 $\frac{1}{2}$	7,562 9 6 $\frac{1}{2}$
Serjeant-at-arms - - - - -	50 - -	50 - -	50 - -	50 - -	50 - -	50 - -
Contingencies - - - - -	863 6 10 $\frac{1}{2}$	787 12 -	667 13 6	562 14 11	628 10 4	669 14 11
Chaplain - - - - -	75 - -	50 - -	16 12 10 $\frac{1}{2}$	- - -	- - -	- - -
Doorkeeper - - - - -	14 5 - 3 $\frac{3}{4}$	14 5 5 $\frac{3}{4}$	20 - -	20 - -	20 - -	20 - -
Copying Clerks - - - - -	- - -	- - -	25 - -	25 - -	25 - -	25 - -
Clerk of the Crown in Chancery - - -	75 - -	75 - -	75 - -	60 4 11	89 15 1	75 - -
Usher of Court of King's Bench - - -	60 - -	30 - -	20 - -	20 - -	20 - -	20 - -
Keeper of Court of King's Bench - - -	- - -	10 - -	20 - -	20 - -	20 - -	20 - -
Keeper of False Ducks' Light-house - -	- - -	- - -	93 15 -	37 10 -	37 10 -	37 10 -
Casual and extraordinary expenses incurred for the administration of justice - - -	347 3 1	80 - -	125 7 6	48 8 -	96 14 6	2,993 4 10
Books for the Houses of Parliament - -	- - -	- - -	- - -	- - -	740 12 8	309 7 4
Sheriff of Home District for attendance on the Court of King's Bench since 1832 - - -	- - -	- - -	- - -	- - -	178 - -	41 5 -
Clerks of Assize - - - - -	- - -	- - -	- - -	- - -	829 3 6	303 17 4
Arrears of office fees due to the Clerk of the Crown for office fees due to him to 1 January 1837 - - - - -	- - -	- - -	- - -	- - -	194 3 4 $\frac{1}{2}$	- - -
Common schools - - - - -	8,400 - -	7,700 - -	8,900 - -	6,950 - -	9,500 - -	9,000 - -
Books for common and Sunday schools - -	150 - -	150 - -	150 - -	150 - -	150 - -	150 - -
District schoolmasters - - - - -	958 4 4 $\frac{1}{2}$	973 2 11 $\frac{3}{4}$	1,113 8 1	1,166 8 9	1,190 12 8 $\frac{3}{4}$	1,182 15 8 $\frac{1}{4}$
Agricultural societies - - - - -	900 - -	500 - -	500 - -	700 - -	1,007 11 6	884 - -
PENSIONS.						
Coolnel Coffin, at the rate of 300 <i>l.</i> per annum - - - - -	- - -	- - -	- - -	- - -	- - -	95 6 10
Lieutenant M'Cormick, - - 100 <i>l.</i> per annum - - - - -	- - -	- - -	- - -	- - -	- - -	50 8 2
Mrs. Frances Moodie, - - - 100 <i>l.</i> per annum - - - - -	- - -	- - -	- - -	- - -	- - -	57 5 2 $\frac{1}{2}$
Mrs. Harriet M'Nabb, - - - 50 <i>l.</i> per annum - - - - -	- - -	- - -	- - -	- - -	- - -	26 19 8 $\frac{1}{2}$
Mrs. Maria Church, - - - - 50 <i>l.</i> per annum - - - - -	- - -	- - -	- - -	- - -	- - -	27 3 10
Pensions, at the rate of 20 <i>l.</i> per annum - - - - -	120 - -	120 - -	100 - -	100 - -	116 11 1 $\frac{3}{4}$	120 - -
Militia pensions - - - - -	913 13 5	890 - -	950 - -	820 - -	1,006 12 -	1,350 4 3 $\frac{1}{2}$
Government printer - - - - -	1,066 - 4	995 5 10	628 18 6	154 - 7 $\frac{3}{4}$	2,126 9 11 $\frac{1}{4}$	3,379 4 11 $\frac{1}{2}$
War losses - - - - -	5,500 - -	- - -	- - -	- - -	42,122 4 5 $\frac{1}{4}$	- - -
Provincial Arbitrator - - - - -	- - -	600 - -	- - -	- - -	200 - -	- - -
Emigrants at Prescott - - - - -	250 - -	- - -	- - -	- - -	- - -	- - -
Female benevolent society - - - - -	- - -	150 - -	- - -	- - -	- - -	- - -
Public offices and repairs - - - - -	603 9 1	587 13 6	434 6 5	714 - 7	689 17 7	1,093 4 9 $\frac{1}{2}$
Cholera expenses - - - - -	4,725 12 11 $\frac{1}{2}$	- - -	2,099 17 -	50 3 -	- - -	- - -
Repairs of hemp machinery - - - - -	50 - -	- - -	- - -	- - -	- - -	- - -
Repairs of Government-house - - - - -	397 10 9 $\frac{1}{2}$	- - -	400 - -	- - -	800 - -	100 - -
Mr. Eastwood for duties paid by him on the importation of certain machinery from the United States - - - - -	- - -	- - -	18 6 8	- - -	- - -	- - -
Relief to Pearce, Dumble and Hoar - - -	- - -	- - -	- - -	766 - -	- - -	- - -
Relief of poor of Toronto - - - - -	- - -	- - -	- - -	- - -	250 - -	350 - -
The Honourable J. H. Dunn, for certain services - - - - -	600 - -	- - -	- - -	- - -	- - -	- - -
Mrs. Thompson, remuneration for the services of her late husband - - - - -	- - -	- - -	- - -	- - -	100 - -	- - -
William Hust, as compensation for loss of time in consequence of a wound received in capturing a band of rebels - - - - -	- - -	- - -	- - -	- - -	- - -	25 - -
Transfer to Fund A. on account of civil expenditure in 1832 and 1833 - - - - -	1,063 14 7	- - -	371 1 6	- - -	- - -	- - -
Redemption of debentures - - - - -	- - -	128,710 5 8 $\frac{1}{2}$	20,848 6 8 $\frac{1}{2}$	1,351 - 7 $\frac{1}{2}$	- - -	- - -
Interest on outstanding debentures payable in Upper Canada - - - - -	9,860 10 -	11,838 5 -	9,944 10 -	9,884 5 -	10,329 10 -	10,843 15 -
Public works - - - - -	25,766 13 4	97,980 9 11 $\frac{1}{2}$	113,675 - -	127,700 - -	248,772 4 4 $\frac{1}{2}$	156,190 16 1 $\frac{3}{4}$
Agency for receipts at Lower Canada - -	276 1 4	323 18 1	230 17 3 $\frac{3}{4}$	281 15 6	212 8 1	188 9 1
Maintenance of light-houses - - - - -	698 14 8	700 - -	1,600 - -	1,600 - -	1,600 - -	1,600 - -
York Hospital, support of - - - - -	500 - -	- - -	- - -	- - -	- - -	- - -
Special surveys - - - - -	250 - -	483 13 3	277 16 6	701 8 7	1,250 - -	750 - -
Expenses connected with the Court of Chancery - - - - -	- - -	- - -	- - -	- - -	- - -	92 14 7 $\frac{1}{2}$
For purchase of Imperial statutes - - -	- - -	- - -	- - -	- - -	15 - -	45 - -
Freight and charges of conveying from England to this place a box containing statutes of Imperial Parliament for use of legislature - -	- - -	- - -	- - -	- - -	- - -	4 1 -
TOTAL, Currency - - - - £.	86,718 4 5 $\frac{3}{4}$	278,108 3 5 $\frac{3}{4}$	187,650 19 9 $\frac{3}{4}$	179,244 4 10	360,066 17 9 $\frac{1}{4}$	225,570 2 3 $\frac{1}{2}$
TOTAL, Sterling - - - - £.	78,046 8 - 4 $\frac{1}{10}$	250,297 7 1 $\frac{1}{10}$	168,885 17 9 $\frac{3}{10}$	161,319 16 4 5 $\frac{5}{10}$	324,060 3 11 $\frac{3}{10}$	203,013 2 - 3 $\frac{3}{4}$

Receiver-general's Office,
Toronto, 6 July 1839. }

B. Turquand, Senior Clerk,
In the absence of the Receiver general.

Certified,
James Nation, Act Inspector-general, P. P. Accounts.

No. 16.

RETURN of REVENUE and RECEIPTS of MONIES arising under the Imperial Act 14 Geo. 3, as per the Receiver-general's General Account Current, denominated Fund A., for the Years 1833, 1834, 1835 and 1836; since which period they are incorporated in the Account of the Provincial Fund.

RECEIPTS.	1833.	1834.	1835.	1836.
	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.
Transferred from the Provincial Fund B., being the amount of certain temporary advances made from this Fund on account of the Civil Expenditure of the Province, for the years 1832 and 1833 - - - -	957 7 1½	—	—	—
From collectors - - - - -	- - -	5 11 4½ 10	—	—
Transferred from Fund B., to repay in part a sum of money advanced from this Fund to defray an excess of expenditure in printing the Provincial Statutes over the appropriation of Parliament for 1834 - - - -	- - -	- - -	333 19 4½	—
TOTAL, Sterling - - - - £.	957 7 1½	5 11 4½ 10	333 19 4½	—

RETURN of REVENUE and EXPENDITURE of MONIES arising under the Imperial Act 14 Geo. 3, as per the Receiver-general's General Account Current, denominated Fund A., for the Years 1833, 1834, 1835 and 1836; since which period they are incorporated in the Account of the Provincial Fund.

EXPENDITURE.	1833.	1834.	1835.	1836.
	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.
Erecting buildings for the public offices - - - -	720 - -	348 11 4	1,378 2 -½	124 13 8½
Disbursements for the accommodation of the Court of King's Bench - - - - -	- - -	215 8 9	231 6 -	105 9 -½
Repairs of Government House - - - - -	- - -	- - -	- - -	775 17 6½ 10
Costs in a suit against the Crown, affecting the government and military reserve at the Falls of Niagara - - -	- - -	127 6 6½	187 15 8½	-
Paid Robert Stanton, Government Printer, being an advance to him to cover a balance due to him over the appropriation, for printing the Provincial Statutes passed in the 4th Session of the 11th Provincial Parliament, until legislative provision can be made - - - -	- - -	688 8 8	—	—
TOTAL, Sterling - - - - £.	720 - -	1,379 15 3½	1,797 3 8½	1,006 - 3½ 10

Receiver-general's Office, Toronto, Upper Canada, }
31 May 1839.

Certified,
James Nation, Act^s Inspector-general, P. P. Accounts.

John H. Dunn, R. G.

No. 17.

RETURN of MONIES received in Upper Canada in each of the Years 1833, 1834, 1835, 1836, 1837 and 1838 inclusive, arising from the Sale of CROWN LANDS to the Canada Company, included in the Receiver-general's General Account Current, denominated Letter D., or Canada Company Fund, for those Years respectively, as required by the Imperial Legislature, by Despatch, dated Downing-street, 27 February 1839.

RECEIVER-GENERAL'S RECEIPTS.	1833.	1834.	1835.	1836.	1837.	1838.
	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.
Received from the Hon. Messrs. Dunn, Sullivan & Allan, being the accumulated balance of the Crown Revenue paid into the Bank of Upper Canada in their joint names, and withdrawn therefrom for the purpose of being replaced in the Receiver-general's hands -	- - -	- - -	- - -	- - -	14,594 9 5½	—
Received from Commissioners of Canada Company - - - - -	18,500 - -	19,500 - -	20,000 - -	20,000 - -	20,000 - -	20,000
TOTAL, Sterling - - - - £.	18,500 - -	19,500 - -	20,000 - -	20,000 - -	34,594 9 5½	20,000 - -

14 RETURNS OF THE PUBLIC REVENUE RECEIVED IN UPPER CANADA,

No. 17—continued.

RETURN of MONIES expended in Upper Canada for each of the Years 1833, 1834, 1835, 1836, 1837 and 1838 inclusive, arising from the Sale of CROWN LANDS to the Canada Company, charged in the Receiver-general's General Account Current, denominated Letter D., or Canada Company Fund, for those Years respectively, as required by the Imperial Legislature, by Despatch, dated Downing-street, 27 February 1839.

FOR WHAT SERVICE.	1833.	1834.	1835.	1836.	1837.	1838.
	<i>Sterling.</i>	<i>Sterling.</i>	<i>Sterling.</i>	<i>Sterling.</i>	<i>Sterling.</i>	<i>Sterling.</i>
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
SALARIES, &c. (Annual.)						
Roman Catholic Bishop - - - -	500 - -	500 - -	500 - -	500 - -	500 - -	500 - -
Inspector-general - - - - -	240 1 3½	- - -	- - -	- - -	- - -	- - -
Surveyor-general - - - - -	710 5 6	150 - -	- - -	- - -	- - -	- - -
Secretary and Registrar - - - -	936 11 4	936 11 4	936 11 4	936 11 4	936 11 4	797 16 11½
Attorney-general - - - - -	342 18 7	- - -	- - -	- - -	- - -	- - -
Auditor-general - - - - -	221 13 4	- - -	- - -	- - -	- - -	- - -
Clerk of Executive Council - - - -	457 14 10	- - -	- - -	- - -	- - -	- - -
Deputy Surveyor of Woods - - - -	47 - -	47 - -	47 - -	47 - -	47 - -	47 - -
Allowance to Samuel Ridout, as an officer of the land granting department - - -	200 - -	200 - -	200 - -	200 - -	200 - -	200 - -
Allowance to Presbyterian Ministers - - -	1,068 10 2½	1,430 16 -	1,458 - -	1,441 10 -	1,425 - -	1,425 - -
For support of Roman Catholic Clergy - - -	1,000 - -	1,000 - -	1,000 - -	1,000 - -	1,000 - -	1,000 - -
Allowance to Col. Talbot for services and expenses in forming settlements - - -	400 - -	400 - -	400 - -	400 - -	400 - -	400 - -
Compensation to Canada Company for surveys Agency for receipts and payments of monies arising from sale of Crown Lands to Canada Company - - - - -	580 - 9½	- - -	1,518 7 -	309 8 7½	516 5 10½	1,472 3 6
	200 - -	200 - -	200 - -	200 - -	200 - -	200 - -
PENSIONS.						
Sir D. W. Smith - - - - -	200 - -	200 - -	200 - -	200 - -	70 13 8½	(dead.)
William Chewitt - - - - -	360 - -	360 - -	360 - -	360 - -	360 - -	360 - -
Sophia Shaw - - - - -	100 - -	100 - -	100 - -	100 - -	100 - -	100 - -
Bishop of Quebec, in aid of building dissenting places of worship - - - - -	- - -	234 18 -	- - -	- - -	- - -	- - -
Deposit of Bank of Upper Canada of balance of Crown Revenue in Receiver-general's hands on the 9th February 1837, in the names of trustees, under special order - - - -	- - -	- - -	- - -	- - -	14,594 9 5½	- - -
War losses - - - - -	- - -	- - -	- - -	- - -	20,000 - -	- - -
TOTAL, Sterling - - £.	7,564 15 10½	5,759 5 4	6,919 18 4	5,694 9 11½	40,350 - 4½	6,402 - 5½

Receiver-general's Office, Toronto, Upper Canada, }
31 May 1839.

(E. E.)

John H. Dunn, H. M. R. G.

Certified,

With the exception of the 200 l. per annum charged as paid to the Receiver-general, as Agent for the Receipt and Payment of the Canada Company's Instalments, this charge having been suspended by the Board of Audit.

James Nation, Act^s Inspector-general, P. P. Accounts.

No. 18.

RETURN of the PUBLIC RECEIPTS in Upper Canada in each of the Years 1833, 1834, 1835, 1836, 1837 and 1838 inclusive, in respect to Casual and Territorial Revenue, and chargeable on the Receiver-general's General Account Current, denominated "Letter K, Queen's Rights," for those Years respectively, required by the Imperial Legislature, by Despatch, dated Downing-street, 27 February 1839.

RECEIPTS IN ACCOUNT K.	1833.	1834.	1835.	1836.	1837.	1838.
	<i>Sterling.</i>	<i>Sterling.</i>	<i>Sterling.</i>	<i>Sterling.</i>	<i>Sterling.</i>	<i>Sterling.</i>
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Crown's proportion of seizures - - - -	775 2 7½ ¹⁰	1,016 17 1½ ¹⁰	1,387 4 -	887 - 4½ ¹⁰	457 12 9½ ¹⁰	1,479 12 5½ ¹⁰
From the Commissioner of Crown Lands and Surveyor-general of Woods; viz.						
Sales of Crown timber - - - - -	3,150 - -	1,800 - -	4,692 16 10½	7,795 18 7½	3,060 - -	11,565 - -
Ditto of Crown lands - - - - -	1,800 - -	3,780 - -	4,320 - -	540 - -	7,482 17 9½ ¹⁰	1,350 - -
Ditto of rents of Crown reserves - - -	201 12 7½ ¹⁰	175 7 10½ ¹⁰	133 4 10½ ¹⁰	20 16 3	3 12 2½ ¹⁰	- - -
Fines - - - - -	62 11 -	144 10 1½	202 10 -	106 2 8½ ¹⁰	264 19 11½ ¹⁰	268 6 7½ ¹⁰
Patent and surveying fees, under all regulations	2,467 17 10½ ¹⁰	2,912 6 -½ ¹⁰	2,039 10 10	2,642 11 7½ ¹⁰	1,689 8 2½ ¹⁰	993 10 1½ ¹⁰
Mill and ferry rents - - - - -	121 13 4½	254 15 1½	248 17 -	383 19 3	27 13 6	- - -
From individuals, for proceeds of sales of Crown lands - - - - -	20 10 3½ ¹⁰	22 10 -	8 9 7½ ¹⁰	45 4 8½	6 13 2½ ¹⁰	- - -
Transfer from provincial fund B., to repay cholera expenses - - - - -	1,215 - -	- - -	- - -	- - -	- - -	- - -
From Robert Stanton, esq., in part repayment of loan - - - - -	90 - -	90 - -	- - -	- - -	90 - -	90 - -
From the Hon. Geo. Markland, on account of his purchase of the old council house and grounds	- - -	138 12 -	- - -	- - -	- - -	- - -
Fees on the great seal for Commissions - - -	- - -	103 16 -	- - -	37 16 -	37 16 -	53 11 -
Refunded, being so much remaining of the amount paid into Mr. Dunn's hands for Missionaries, uncalled for - - - - -	- - -	- - -	185 - -	- - -	- - -	- - -
Transfer from provincial account B., for advances for maintenance of light-houses - - -	- - -	- - -	- - -	900 - -	- - -	- - -
Transfer from ditto, for advances for Penitentiary	- - -	- - -	- - -	1,044 - -	- - -	- - -
Transfer from account A., for advances for repairs of Government House - - - -	- - -	- - -	- - -	775 17 6½ ¹⁰	- - -	- - -
From the Commissioner of Crown Lands, on account of sales of portion of the military reserve	- - -	- - -	- - -	2,961 18 10½ ¹⁰	- - -	- - -
Refunded by sundry officers, being so much overpaid to them - - - - -	- - -	- - -	- - -	- - -	- 18 1½ ¹⁰	- - -
TOTAL - - - £.	9,904 7 10	10,438 14 3½¹⁰	13,217 13 2½¹⁰	18,141 5 11½¹⁰	13,121 11 10½	15,800 - 3½¹⁰

Receiver-general's Office, Toronto, Upper Canada, }
31 May 1839.

(E. E.)

John H. Dunn, H. M. R. G.

Certified,

James Nation, Act^s Inspector-general, P. P. Accounts.

No. 19.

RETURN of the PUBLIC EXPENDITURE in *Upper Canada* in each of the Years 1833, 1834, 1835, 1836, 1837 and 1838 inclusive, in respect to Casual and Territorial Revenue, and chargeable on the Receiver-general's General Account Current, denominated "Letter K., Queen's Rights," for those Years respectively, required by the Imperial Legislature, by Despatch, dated Downing-street, 27 February 1839.

PAYMENTS ON ACCOUNT K.	1833.	1834.	1835.	1836.	1837.	1838.
	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.
Salary, in addition, to Sir John Colborne, Lieut.-governor, only six months - -	250 - -	500 - -	500 - -	284 3 - ¹ / ₄	—	—
The Lieut.-governor's allowance in lieu of fees, yearly - - - - -	1,000 - -	1,000 - -	1,000 - -	1,000 - -	1,000 - -	1,000 - -
Proportion of seizures due to Sir J. Colborne which remained undecided in the public courts when his Excellency left the province - - - - -	- - - -	- - - -	- - - -	- - - -	186 17 5 ¹ / ₄	—
The Lieut.-governor's proportion of seizures - - - - -	605 9 8 ¹ / ₂	- - - -	- - - -	1,213 7 8 ¹ / ₂	- - - -	258 14 3
Proportion of seizures due to the late Lieut.-governor Sir P. Maitland - - - - -	- - - -	- - - -	- - - -	174 5 4	—	—
Salary to the Reverend John Strachan as President of the General Board of Education, six months - - - - -	135 - -	—	—	—	—	—
Salary to the Receiver-general, yearly - - - - -	200 - -	200 - -	200 - -	200 - -	200 - -	200 - -
Salary to the Reverend William Bell, Presbyterian Minister, Perth Settlement, yearly - - - - -	100 - -	100 - -	100 - -	100 - -	100 - -	100 - -
Salary to Master of Peterborough school, yearly - - - - -	67 10 - -	67 10 - -	67 10 - -	67 10 - -	56 2 6 ¹ / ₂	67 10 - -
Salary and allowance to Master of Central School - - - - -	230 - -	230 - -	230 - -	230 - -	230 - -	230 - -
Salary to the Honourable P. Robinson, Surveyor-general of Woods, two years - - - - -	- - - -	1,000 - -	500 - -	500 - -	250 - -	—
Salary to the Honourable P. Robinson, as Commissioner of Crown Lands, two years - - - - -	- - - -	1,000 - -	500 - -	500 - -	500 - -	500 - -
Salary to make up the salary of the Honourable John B. Robinson, Speaker of the Legislative Council (together with the amount provided by provincial statute 4 Will. 4, c. 50), to the sum of 360 <i>l.</i> sterling per annum, from 1st January 1832 to 30th June 1834 - - - - -	- - - -	450 - -	270 - -	360 - -	360 - -	360 - -
Salary to make up the salary of the Surveyor-general for the six months ending 30 June 1834, at 600 <i>l.</i> per annum - - - - -	- - - -	150 - -	600 - -	600 - -	600 - -	572 17 6 ¹ / ₄
Salary to the Inspector-general for duties performed in connexion with accounts of the Crown revenue of this province - - - - -	- - - -	75 - -	225 - -	200 - -	200 - -	249 11 9 ¹ / ₄
Salaries to sundry Missionaries of the Church of England, and pension to retired Missionaries and Widows, formerly paid by the Society for the Propagation of the Gospel - - - - -	- - - -	2,301 5 -	2,529 11 8	2,565 12 6	2,509 11 8	2,540 18 -
Salary to make up the salary to the Clerk of the Executive Council to the rate of 400 <i>l.</i> sterling per annum, from 1 January 1834 - - - - -	- - - -	- - - -	300 - -	200 - -	200 - -	200 - -
Salary to Henry Lizars, Extra Clerk, Surveyor-general's Office - - - - -	- - - -	- - - -	- - - -	82 2 6	—	—
Salary to Mr. T. Wilson, one of the Teachers of the Central School - - - - -	- - - -	- - - -	- - - -	67 10 -	67 10 -	90 - -
Salary to Rebecca Sylvester, Teacher of the Central School - - - - -	- - - -	- - - -	- - - -	11 5 -	45 - -	45 - -
Salary to Mr. H. J. Castle, Extra Clerk, Surveyor-general's department, six months' salary - - - - -	- - - -	- - - -	- - - -	- - - -	76 10 -	76 10 -
Salary to Mr. James Smith, Third Clerk, Executive Council Office, at the rate of 170 <i>l.</i> per annum - - - - -	- - - -	- - - -	- - - -	- - - -	- - - -	37 6 1 ¹ / ₄
Salary to Mr. William R. Bartlet, temporary Clerk, Executive Council Office, at the same rate - - - - -	- - - -	- - - -	- - - -	- - - -	- - - -	34 7 5 ¹ / ₂
Salary to Mr. Edward Kent, Extra Clerk in the Office of Secretary and Registrar of the Province - - - - -	- - - -	- - - -	- - - -	- - - -	- - - -	157 10 -
Salary to Colonel Bullock, Adjutant-general of Militia, from 19th Dec. 1837 to 6th March 1838, at the rate of 1 <i>l.</i> currency per diem - - - - -	- - - -	- - - -	- - - -	- - - -	- - - -	70 4 -
Salary to the Reverend Charles Brough, Missionary to the Indians at Manatoulin Islands, six months - - - - -	- - - -	- - - -	- - - -	- - - -	- - - -	100 - -
Salary to the Surgeon and Schoolmaster of the Indians of Manatoulin Islands, six months - - - - -	- - - -	- - - -	- - - -	- - - -	- - - -	112 10 -
Pension to Sir William Campbell, late Chief Justice, to his decease - - - - -	1,200 - -	659 3 6 ¹ / ₂	—	—	—	—
Pension to Judge Boulton to his decease - - - - -	500 - -	445 17 9 ¹ / ₂	—	—	—	—
Pension to Honourable William Dummer Powell, late Chief Justice, to his decease - - - - -	1,000 - -	1,182 3 1	—	—	—	—
Pension to the Honourable John M'Gill, late Receiver-general - - - - -	450 - -	450 - -	223 15 4 ¹ / ₂	—	—	—
Pension to Captain John M'Donnell, late incorporated militia, to his decease - - - - -	80 7 5 ¹ / ₂	—	—	—	—	—
Pension to Captain William Jarvie, late incorporated militia - - - - -	103 16 11	103 16 11	103 16 11	103 16 11	103 16 11	103 16 11
Pension to Lieutenant Daniel M'Dougal, late incorporated militia - - - - -	72 13 10	72 13 10	72 13 10	72 13 10	72 13 10	72 13 10
Pension to Oneida Joseph, an Indian Chief, six months - - - - -	7 10 -	7 10 -	22 10 -	15 - -	15 - -	15 - -

(continued.)

RETURN of the Public Expenditure in *Upper Canada* in each of the Years 1833, 1834, 1835, 1836, 1837 and 1838 inclusive—continued.

PAYMENTS ON ACCOUNT K.	1833.	1834.	1835.	1836.	1837.	1838.
	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.
Pension to the Right Reverend and Honourable Alexander M'Donell, R. C. Bishop of Regiopolis, conferred on him for special service, at the rate of 100 . per annum, -	- - -	175 - -	100 - -	100 - -	100 - -	100 - -
Commuted Pensioners, incurred in locating of, &c. -	- - -	- - -	- - -	1,113 1 8½	1,228 - 3	1,101 2 9¼
House-rent to the Bishop of Quebec -	180 - -	180 - -	180 - -	180 - -	180 - -	5 13 5
Insurance of Government-house -	23 12 6	23 12 6	35 8 9	- - -	- - -	- - -
Advance towards furnishing Government-house until provided by legislature -	- - -	- - -	- - -	- - -	- - -	1,847 5 8½
Repair of Government-house -	- - -	- - -	- - -	1,305 - -	- - -	- - -
Appropriation to Upper Canada College and Royal Grammar School -	500 - -	750 - -	1,000 - -	1,000 - -	1,000 - -	1,000 - -
Travelling expenses of the Lieutenant-governor, Sir Francis Bond Head, on a tour of inspection through the province, and visiting the St. Lawrence Canal -	- - -	- - -	- - -	- - -	425 3 3½	- - -
Travelling expenses to Sir George Arthur on a tour of inspection through the province, and visiting the St. Lawrence Canal -	- - -	- - -	- - -	- - -	- - -	150 11 4¾
Allowance to the Ministers of the Presbyterian Synod, six months -	345 19 10¾	1,081 16 -½	699 19 9½	699 19 10¾	700 - -	699 19 10¾
Wesleyan Methodist Society in aid of the Upper Canada Academy -	- - -	- - -	- - -	- - -	1,845 - -	- - -
Wesleyan Methodist Society in aid of the Upper Canada Missions -	- - -	- - -	- - -	- - -	600 - -	- - -
Churches and chapels for Presbyterian Synod of Upper Canada -	900 - -	- - -	550 - -	- - -	- - -	- - -
Churches and chapels for Wesleyan Methodists -	900 - -	550 - -	- - -	- - -	- - -	1,845 - -
Churches and chapels for Canadian Wesleyans -	600 - -	350 - -	- - -	- - -	- - -	- - -
Churches and chapels for Roman Catholics -	741 - -	226 - -	189 - -	- - -	- - -	- - -
Loan to St. Andrew's Church -	- - -	- - -	- - -	- - -	- - -	810 - -
Emigration expenses for 1832 - £.8,071 4 - } Ditto - ditto - 1833 - 2,345 9 5 }	10,416 13 5	3,596 12 5	3,068 6 4	2,693 16 9½	2,148 3 6	2,434 16 4
Advance for printing statutes until provided by the legislature -	- - -	- - -	- - -	500 - -	- - -	- - -
Advance towards the Burlington Bay Canal until made good by the legislature -	- - -	- - -	- - -	675 - -	- - -	- - -
Advance towards the Provincial Penitentiary, Kingston -	- - -	- - -	- - -	1,044 - -	- - -	- - -
Advance to Deputy Surveyor Hawkins on account of exploring the country east of Lake Huron -	- - -	- - -	- - -	90 - -	- - -	- - -
Advance to Colonel James Fitz Gibbons on account of travelling expenses to Cornwall on a special mission -	- - -	- - -	- - -	47 14 3¾	- - -	- - -
Advance to defray the expense of maintaining light-houses until provided for by the legislature -	- - -	- - -	- - -	900 - -	- - -	- - -
Fees on warrants to privileged persons paid to the Clerk of the Executive Council -	- - -	- - -	78 16 7	- - -	- - -	- - -
Commutation in lieu of fees to D'Arcy Boulton, Auditor of Land Patents -	- - -	- - -	332 10 -	43 8 5	- - -	- - -
Contingencies and special surveys, Surveyor-general's department -	2,841 17 8¾	1,862 3 2	2,078 15 10½	2,722 1 7	973 10 5½	1,021 11 5½
Contingency of the public service paid Mr. Secretary Joseph -	- - -	- - -	- - -	- - -	500 - -	- - -
Contingencies of the Adjutant-general's office -	- - -	- - -	- - -	- - -	- - -	28 16 -
Remuneration to Lieutenant John Carthew, R. N., for half-pay stopped from him while employed on an exploring expedition -	- - -	- - -	- - -	- - -	- - -	38 15 -
Reward for the apprehension of the late Samuel Lount, executed for high treason -	- - -	- - -	- - -	- - -	- - -	450 - -
Secret service -	- - -	- - -	- - -	- - -	- - -	820 17 1¼
Administration of justice and maintenance of prisoners and other expenses contingent on the late revolt -	- - -	- - -	- - -	- - -	- - -	3,500 1 7½
Clerk of the Council's account -	174 19 8	193 1 -½	- - -	- - -	- - -	- - -
Provincial Secretary's account -	19 19 7¼	13 10 -	- - -	82 11 6	258 9 2½	319 8 -½
Government Printer's account -	53 4 1¼	34 19 5¾	42 14 8½	598 15 7½	157 5 8¼	103 7 9½
Special Messengers with Government despatches -	100 16 -	- - -	- - -	105 12 9	- - -	294 12 4
Towards the completion of the public offices -	- - -	- - -	- - -	308 15 -¾	- - -	586 - 8¼
To complete the pier at Toronto until provided for by the provincial legislature -	- - -	- - -	- - -	382 5 4¾	- - -	- - -
C. A. Hagarman, Esq., being the amount of his claim on the Crown fund -	- - -	- - -	- - -	211 5 11½	- - -	- - -
Stationery for the Government Office from London Stationery Office -	- - -	- - -	- - -	105 3 4¾	- - -	152 13 8
Postage of public letters to and from the Government Office -	- - -	- - -	- - -	581 12 -¼	- - -	- - -
Paid Charles E. Sheward, Esq., surgeon, for his professional attendance at the Cholera Hospital at Toronto -	- - -	46 1 11¼	- - -	- - -	- - -	- - -
Paid Charles Ranken for examining and reporting on the state of the Lanark Settlement -	- - -	- - -	112 19 -	- - -	- - -	- - -
Paid John Carthew in advance on account of an exploring party -	- - -	- - -	72 - -	370 1 2¼	- - -	- - -
Paid Assistant Commissary-general Foot certain purchases on account of the above -	- - -	- - -	298 18 8	764 5 -½	35 4 6	- - -
Paid on account of annuities payable to certain Indian tribes for lands ceded to the Crown -	- - -	- - -	5,514 19 3½	5,947 6 9¼	2,251 7 11¾	3,941 15 10¾

FROM 1833 TO 1838, IN RESPECT OF CASUAL AND TERRITORIAL REVENUES.

17

RETURN of the Public Expenditure in *Upper Canada* in each of the Years 1833, 1834, 1835, 1836, 1837 and 1838 inclusive—continued.

PAYMENTS ON ACCOUNT K.	1833.	1834.	1835.	1836.	1837.	1838.
	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.	<i>Sterling.</i> £. s. d.
Paid Thomas Kirkpatrick, Esq., in restitution of the Crown, moiety of a fine imposed on him by sentence of the Court of King's Bench - - - - -	- - -	- - -	110 14 -	—	—	—
Paid Mr. John Harper for certain work performed at the Central school-house - - -	- - -	- - -	87 14 10½	—	—	—
Paid Mr. William Fitzpatrick in remuneration for expenses incurred in defraying a suit brought against him for entering a house in the execution of his militia duty by his commanding officer during the late war with the United States - - - - -	- - -	- - -	63 - -	—	—	—
Paid Seneca Ketchum for opening a certain road in Mona and Amaranth - - - - -	- - -	- - -	- - -	11 5 -	—	—
Paid Mr. Edmond Ridout for services in the Surveyor-general's office as an extra clerk - - -	- - -	- - -	- - -	77 4 5	—	—
Paid Mr. Thomas Steers for services in the Surveyor-general's office as an extra clerk - - -	- - -	- - -	- - -	47 - -	—	—
Paid Mr. Deputy Surveyor Carroll for special services - - - - -	- - -	- - -	- - -	134 5 4½	—	—
Paid Mr. James Davidson in compensation for a lot of land to which he was heir-at-law, which was granted to the Welland Canal Company - - - - -	- - -	- - -	- - -	315 - -	—	—
William H. Draper's expenses in proceeding to England and return in 1837 on special mission from his Excellency Sir F. Bond Head - - - - -	- - -	- - -	- - -	- - -	- - -	315 - -
Paid Samuel P. Jarvis, Esq., Clerk of the Crown in Chancery, for fees of expenses of forwarding writs for the general election - - -	- - -	- - -	- - -	442 4 1	—	—
Paid to the Honourable R. B. Sullivan, being the amount paid into the Receiver-general's Office in 1836 by the Commissioner of Crown Lands, arising from sales of portions of the military reserve at Toronto - - - - -	- - -	- - -	- - -	- - -	2,961 18 10½	—
Paid Samuel P. Jarvis, Chief Superintendent of Indian Affairs, travelling expenses to meet the Indians of Manitoulin Islands - - - - -	- - -	- - -	- - -	- - -	53 16 5½	—
Paid the Honourable S. Jameson, late Attorney-general, his account against Government for disbursements on account of the Crown - - -	- - -	- - -	- - -	- - -	- - -	70 13 9
Paid the Honourable P. Robinson, Commissioner of Crown Lands, for opening and constructing roads - - - - -	- - -	1,674 13 3½	962 7 3½	908 17 3½	—	—
Paid John Crysler, Esq., Collector of Customs, being for costs incurred in a seizure made by him, and subsequently restored - - - - -	- - -	30 11 1½	—	—	—	—
Paid Ward Chipman, Esq., a moiety of remuneration for his services as the Third Arbitrator under the provisions of the Imperial Act 3 Geo. 4, c. 119 - - - - -	- - -	350 - -	—	—	—	—
Paid William Henderson for fees paid by his father on a lot of land re-located in the name of another person - - - - -	- - -	8 4 1	—	—	—	—
Paid Mr. N. H. Baird, Civil Engineer, to remunerate him for certain expenses incurred in the inspection of the Ottawa River from Bytown to the Chats Lake, with a view to the construction of locks and slides for passing timber - - - - -	- - -	48 2 6½	—	—	—	—
Paid Alexander M'Donell to remunerate him for a lot of land surrendered to the Crown - - -	- - -	- - -	- - -	180 - -	—	—
Paid Robert J. Jameson, Attorney-general, being an addition to him on account of arrears for contingencies of his office - - - - -	- - -	- - -	- - -	360 - -	—	—
Expenses in defending a suit brought against Captain Bonnycastle, commanding Royal Engineers, W. District, by Messrs. Clark and Street - - - - -	- - -	- - -	47 2 11½	—	—	—
Expenses in building a bridge across the Notawasaga - - - - -	- - -	- - -	- - -	22 10 -	—	—
Returned to Abraham Patrick for fees paid by him for grants of land since granted to another - - - - -	- - -	- - -	- - -	8 11 -	—	—
Returned to Reverend George Archibald by order of the Executive Council - - - - -	6 9 -	—	—	—	—	—
Paid Messrs. R. L. Johnson and John Duncan for constructing bridges and opening roads - - -	- - -	- - -	- - -	- - -	90 - -	—
Returned to Mr. Murray Seamans, being the amount of a fine now remitted - - - - -	- - -	- - -	- - -	- - -	9 - -	—
Refunded to C. L. Rudyark, Esq., Paymaster, Rideau Canal, the amount of penalties paid to the Receiver-general by the Ottawa Forwarding Company, for damages done to the work in the Rideau Canal - - - - -	- - -	- - -	- - -	- - -	36 18 -	—
TOTAL, Sterling - - - £.	23,810 19 10½	21,189 7 9½	23,070 5 8½	33,626 1 4½	22,427 - 7¼½	28,832 12 8½

Receiver-general's Office, Toronto, Upper Canada, }
31 May 1839.

In absence of the Receiver-general,
B. Turquand, Sen'r Clk.

Certified,
James Nation, Acting Inspector-general, P. P. Accounts.

No. 20.

RETURN of the PUBLIC RECEIPTS in *Upper Canada* in each of the Years 1833, 1834, 1835, 1836, 1837 and 1838 inclusive, in respect to Monies arising from Sales and Rents and Leases of Lands, reserved for the support of a Protestant Clergy, and chargeable on the Receiver-general's General Account Current, denominated "Letter E. Clergy Fund," for those Years respectively, required by the Imperial Legislature, by Despatch, dated Downing-street, 27 February 1839.

RECEIPTS, FROM WHAT SOURCE.	1833.	1834.	1835.	1836.	1837.	1838.
	<i>Currency.</i>	<i>Currency.</i>	<i>Currency.</i>	<i>Currency.</i>	<i>Currency.</i>	<i>Currency.</i>
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Interest on sales of clergy reserves - -	708 7 9	1,062 11 4	2,107 10 1½	1,317 17 9½	3,888 - 1	1,949 1 10
Rents of clergy reserves - - - -	2,172 5 -	4,095 1 5½	4,224 8 4½	2,379 3 5½	1,998 13 9½	1,078 16 4
Proceeds of exchange on London drawn on account of dividends, on proceeds of sales of clergy reserves - - - -	960 19 7	540 11 1½	1,210 17 1½	728 3 6	1,227 15 7	3,480 - -
Refunded by the Bishop of Quebec, being the amount of his salary paid him in 1832 -	- - -	1,682 13 10	-	-	-	-
Refunded, being so much uncalled for of the amount paid into Mr. Dunn's hands for missionaries - - - -	- - -	- - -	111 2 2½	-	-	-
Amount in currency - - £.	3,841 12 4	7,380 17 8½	7,653 17 9½	4,425 4 9	7,114 9 5½	6,507 18 2
Equal in sterling to - - £.	3,457 9 1½	6,642 15 11¼	6,888 10 -¼	3,982 14 3¼	6,403 - 6½	5,857 2 4½

RETURN of the PUBLIC EXPENDITURE in *Upper Canada* in each of the Years 1833, 1834, 1835, 1836, 1837 and 1838 inclusive, in respect to Monies arising from the Sales and Rents and Leases of Lands, reserved for the support of a Protestant Clergy, and chargeable on the Receiver-general's General Account Current, denominated "Letter E. Clergy Fund," for those Years respectively, required by the Imperial Legislature, by Despatch, dated Downing-street, 27 February 1839.

PAYMENTS.	1833.	1834.	1835.	1836.	1837.	1838.
	<i>Currency.</i>	<i>Currency.</i>	<i>Currency.</i>	<i>Currency.</i>	<i>Currency.</i>	<i>Currency.</i>
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Salary of the Lord Bishop of Quebec to make up at the rate of 1,500 <i>l.</i> sterling per annum	833 6 8	-	-	-	-	-
Salary of the Archdeacon of York - -	333 6 8	333 6 8	333 6 8	333 6 8	333 6 8	333 6 8
Salary of the Archdeacon of Kingston - -	333 6 8	333 6 8	333 6 8	333 6 8	333 6 8	333 6 8
Salary of the Reverend George O'Kill Stuart, as one of the clergy of the Established Church of England - - - -	111 2 2½	111 2 2½	111 2 2½	111 2 2½	111 2 2½	111 2 2½
Salary of retired missionaries and widows of the Church of England—amount transferred to Account D. for so much advanced - - - £.3,888 17 9½	- - -	- - -	- - -	- - -	- - -	- - -
Ministers of ditto - - - 3,880 11 1½	- - -	- - -	- - -	- - -	- - -	- - -
	7,769 8 10½	4,936 11 6	4,933 6 7¼	4,889 5 6½	4,888 17 9	4,944 16 7½
Paid towards the erection of a parsonage house, and preparing glebes for the incumbent at the Mohawk Indian Tract, in the Bay of Quinty - - - -	100 - -	-	-	-	-	-
Paid towards the erection of a parsonage house, and preparing glebes for the incumbent at the township of Adelaide - - -	50 - -	- - -	132 2 4½	407 18 3	-	-
Salary to the Secretary of the clergy corporation - - -	- - -	238 5 -¼	300 - -	300 - -	300 - -	300 - -
In part to aid in the payment of the salaries of the missionaries of the Church of England, and pensions to retired missionaries and widows formerly paid by the society in England for the propagation of the gospel - - -	- - -	1,663 8 6	-	-	-	-
Contingencies of the office of the clergy corporation and inspection of clergy reserves -	- - -	794 9 9	73 5 4½	128 13 2½	61 14 4	53 15 10
Paid the Reverend Alexander Bethune, to remunerate him for certain services performed in England in the year 1831 - - -	- - -	- - -	- - -	- - -	55 11 1½	-
Refunded to the Bishop of Quebec, overpaid by him in 1834 - - - -	- - -	- - -	16 - 6	-	-	-
Amount in currency - - £.	9,530 11 1	8,410 10 4½	6,232 10 5½	6,503 12 6½	6,083 18 8½	6,076 8 -¼
Equal in sterling to - - £.	8,577 9 11½	7,569 9 3¼	5,609 5 4½	5,853 5 3¼	5,475 10 10½	5,468 15 2½

Receiver-general's Office, Toronto, Upper Canada, }
31 May 1839.

(E. E.)

In absence of the Receiver-general,
B. Turquand, Senior Clerk.

Certified,
James Nutton, Act^g Inspector-general, P. P. Accounts.

UPPER CANADA.

RETURNS of the PUBLIC REVENUE received in
Upper Canada, from 1833 to 1838, in respect of
Casual and Territorial Revenue, &c.

(*Mr. Hume.*)

*Ordered, by The House of Commons, to be Printed,
24 August 1839.*

LOWER CANADA.

RETURNS to ORDERS of the Honourable The House of Commons,
dated 15 and 20 February 1839 ;—for,

— 1. —

RETURN of the REVENUES received in *Lower Canada* in each of the Years 1833, 1834, 1835, 1836, 1837, and 1838, in respect of the Casual and Territorial Revenue Duties and Licences, under the Imperial Act, 14 Geo. 3; Duties and Licences, under the Provincial Act, 41 Geo. 3; Duties under the Provincial Act, 33 Geo. 3; also, under 35 Geo. 3, under 53 Geo. 3, amended by 55 Geo. 3, and continued by the Imperial Act, 3 Geo. 4; also under 55 Geo. 3, under Imperial Acts of 6 Geo. 4, c. 114, and 3 & 4 Will. 4, c. 59, and under 6 Geo. 3, c. 52; Fines and Forfeitures; Tolls on Lachine Canals; Monies collected under the 4 Geo. 4, c. 21; Duties on Shipping, under the 45 and 51 Geo. 3, and Duties on Passengers; distinguishing the Amount of Revenue received under each of the said Sources.

— 2. —

RETURN of the PUBLIC EXPENDITURE of the Province of *Lower Canada*, during the Years 1833, 1834, 1835, 1836, 1837, and 1838, made out under the usual general Heads of Expenditure; and the Amount and Nature of the Public Debt of the Province in each of those Years.

Colonial Office, Downing-street, }
12 July 1839.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
16 July 1839.

LOWER CANADA.

COPY of a DESPATCH from Sir *J. Colborne* to the Marquess of *Normanby*.

(No. 76.)

My Lord,

Government House,
Montreal, 25 May 1839.

I HAVE the honour to transmit herewith, for presentation to the House of Commons, the Returns of the Revenues, Expenditure, and Public Debt of the Province of Lower Canada in the years 1833, 1834, 1835, and 1838, required by the Orders of The House, copies of which accompanied your Lordship's Despatch, No. 4, of the 27th February last.

I have, &c.

(signed) *J. Colborne.*

ON CHARGES OF INSURRECTION OR TREASON.

3

No.	N A M E.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether Tried by CourtMartial or Civil Court.	Result of the Trial.	Remarks, Final Sentence, &c.	
39	Abram Collard -	yeoman -	28 Feb. 1838	22 Apr. 1838	not tried -	- - -	} Admitted to bail.	
40	Samuel Babcock -	—	28 - -	26 Mar. -	—	- - -		
41	Robert Bird -	millor -	27 - -	8 - -	—	- - -		
42	Peter Robinson -	merchant -	27 - -	16 May -	—	- - -	} Bill ignored by grand jury.	
43	Joshua Smith -	—	27 - -	9 - -	—	- - -		
44	Robert Robertson -	—	27 - -	16 - -	—	- - -		
45	Amos Proctor -	yeoman	27 - -	16 - -	—	- - -		
46	Blecker W. Meyers	—	27 - -	16 - -	—	- - -		
47	Peter Lott -	—	27 - -	16 - -	—	- - -		
48	John W. Stickles -	—	27 - -	16 - -	—	- - -		
49	Nicholas O. Cave -	—	27 - -	16 - -	—	- - -	} -- Admitted to bail on ac- count of ill-heath.	
50	James Getty -	—	27 - -	16 - -	—	- - -		
51	Ivy R. Roblin -	—	27 - -	16 - -	—	- - -		
52	Samuel Stephen -	—	27 - -	23 Mar. -	—	- - -	} Bill ignored by the grand jury.	
53	Elijah Ockerman -	—	27 - -	13 May -	—	- - -		
54	Edward Hickey -	—	27 - -	13 - -	—	- - -		
55	Tobias Myers -	—	27 - -	8 July -	—	- - -		
56	John C. Pennock -	cooper -	27 - -	14 May -	—	- - -	} -- A true bill found, but Crown counsel declined pro- secuting, as others charged with same crime had been acquitted.	
57	John Pockard -	yeoman -	29 - -	16 Aug. -	—	- - -		
58	George Holsenburgh	—	29 - -	16 - -	—	- - -		
59	John Martin -	—	29 - -	16 - -	—	- - -		
60	Ebenezer B. Stores -	—	29 - -	16 - -	—	- - -		
61	John Herman -	—	29 - -	16 - -	—	- - -	} Bill ignored by grand jury.	
62	Daniel Davidson -	—	2 Mar. -	12 May -	—	- - -		
63	Nelson Long -	carpenter -	2 - -	12 - -	—	- - -		
64	Jacob Lott -	yeoman -	2 - -	16 - -	—	- - -		
65	William Leslie -	merchant -	2 - -	14 - -	—	- - -	} Discharged by the magis- trates.	
66	James L. Chatsey -	yeoman -	3 - -	7 Mar. -	—	- - -		
67	Absolom Day -	—	3 - -	22 Apr. -	—	- - -	} Charged with aiding the escape of a traitor. Case not proceeded with, the principal being acquitted.	
68	Christopher Greniser	—	3 - -	2 - -	—	- - -		
69	Harvey Stratton -	—	3 - -	18 - -	—	- - -	} Admitted to bail.	
70	James Ketchipaw -	—	3 - -	7 Mar. -	—	- - -		
71	Vanranslaer Robins	labourer -	12 - -	13 - -	—	- - -	} Discharged by the magis- trates. Bill ignored by grand jury.	
72	Philo Smith -	—	14 - -	15 May -	—	- - -		
73	Samuel Star -	shoemaker -	14 - -	11 - -	—	- - -		
74	Benjamin Proctor -	tinsmith -	24 April -	12 - -	—	- - -		
75	Pierre Lasage -	carter -	9 May -	7 July -	—	- - -	} -- True bill found. Case not proceeded with, the wit- nesses having absconded.	
Newcastle District :								
1	William Purdy -	millor -	13 Dec. 1837	3 Jan. 1838	not tried -	- - -	} Discharged by the magis- trates.	
2	William Richardson	farmer -	16 - -	3 - -	—	- - -		
3	Joseph Pearson -	—	16 - -	3 - -	—	- - -		
4	Jacob Kellar -	labourer -	31 - -	17 Feb. -	—	- - -		
5	John Davis -	—	27 Jan. 1838	22 - -	—	- - -		
6	Sylvanus V. Wicklin	blacksmith	6 Feb. -	19 Mar. -	—	- - -	} Discharged at the assizes. Arrested on suspicion of seditious practices, but dis- charged by the magistrates, without imprisonment.	
7	Francis Ferguson -	labourer -	24 - -	10 - -	—	- - -		
8	Peter Nix -	farmer -	11 Jan. -	16 Apr. -	—	- - -		
9	Charles Powers	iron founder	} Dec. 1837	- - -	- - -	- - -		
10	John Gilchrist -	physician -						
11	Munro Merriman -	labourer -						
12	Robert Waller -	merchant -						
Home District :								
1	James Foster -	labourer -	4 Dec. 1837	23 Dec. 1837	not tried -	- - -	} -- Discharged by commis- sion, (composed of Vice- Chancellor and others) after examination. -- Pardoned, on giving se- curity to keep the peace, and be of good behaviour for three years.	
2	Jay Cody -	farmer -	4 - -	October 1838	petitioned under 1 Vict. c. 10.	- - -		

RETURN of the PUBLIC EXPENDITURE of the Province of Lower Canada, during the Years 1833, 1834, 1835, 1836, 1837, and 1838, made out under the usual general Heads of Expenditure.

GENERAL HEADS OF EXPENDITURE.	IN THE YEAR 1833.			IN THE YEAR 1834.			IN THE YEAR 1835.			IN THE YEAR 1836.			IN THE YEAR 1837.			IN THE YEAR 1838.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Salaries of the Governor-in-Chief and Officers of Government and Con- tingencies - - - - -	2,491	14	10	10,741	9	9	259	15	9	15,076	12	3	24,420	11	1	16,443	1	1
Salaries of the Members of the Executive Council - - - - -	408	10	-	333	10	-	-	-	-	1,081	10	-	3,915	10	-	1,388	2	8
Salaries of the Judges and other Officers of the Administration of Justice - - - - -	5,837	15	-	10,612	6	6	-	-	-	10,357	7	10	30,779	7	5	16,012	16	10
Contingencies of the Administration of ditto - - - - -	4,161	11	2	13,046	16	7	1,534	2	6	22,150	4	5	25,495	18	7	20,011	-	3
Expenses of the Legislature - - - - -	10,112	16	11	4,943	12	-	-	-	-	34,628	-	1	12,240	18	8	16,743	10	11
Printing Laws - - - - -	842	19	1	694	5	8	219	15	6	1,594	11	10	-	-	-	826	10	7
Pensions - - - - -	-	-	-	1,510	12	-	-	-	-	1,725	1	7	2,719	2	1	2,356	12	8
Militia Staff - - - - -	316	4	7	1,263	8	3	-	-	-	1,507	17	8	2,653	11	9	2,425	14	6
Militia Pensions - - - - -	2,134	1	5	474	3	-	405	-	-	736	6	-	391	10	-	391	10	-
Support of Hospitals - - - - -	4,511	11	1	4,126	6	6	63	-	-	9,712	10	4	-	-	-	5,777	8	-
For Education - - - - -	19,939	8	6	22,167	12	8	23,229	10	10	31,866	2	7	944	18	5	3,389	18	9
Improvement of Internal Communications - - - - -	18,207	8	6	2,826	18	5	696	7	6	922	10	-	720	-	-	-	-	-
Encouragement of Agriculture - - - - -	-	-	-	358	18	-	466	9	9	658	16	5	474	19	6	792	10	10
Miscellaneous Expenses - - - - -	9,876	3	4	2,274	8	2	2,389	13	8	2,522	19	10	3,564	13	11	11,648	-	8
Erection of Lighthouses and improving Navigation - - - - -	5,829	13	-	506	6	10	2,111	16	9	2,606	16	1	1,985	3	6	1,782	13	6
Repairing and erecting Public Buildings - - - - -	15,180	19	4	10,278	6	6	2,295	1	7	3,614	13	5	2,250	-	-	11,935	5	-
Expenses of Trinity Boards, &c. - - - - -	3,748	8	-	4,265	5	2	1,610	17	6	6,646	-	7	4,674	13	7	5,221	4	-
Purchase of a Steam Dredging Vessel - - - - -	-	-	-	38	4	-	-	-	-	-	-	-	-	-	-	-	-	-
For opening Chambly Canal - - - - -	13,500	-	-	18,000	-	-	13,923	-	-	2,340	-	-	900	-	-	-	-	-
Expenses of Quarantine Establishments - - - - -	3,845	1	11	4,088	15	6	2,915	3	2	2,701	10	8	2,637	-	1	1,974	17	2
Encouragement of Steam Navigation to Halifax - - - - -	900	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Expenses of Medical assistance for Emigrants, &c. - - - - -	4,467	9	11	370	15	5	1,620	-	-	5,124	6	6	3,849	5	7	1,222	2	3
paid out of Land and Timber Fund - - - - -	3,728	2	9	4,139	14	1	2,729	5	11	1,807	5	5	4,181	16	3	-	-	-
of Elections - - - - -	316	12	9	134	10	-	1,304	17	-	267	1	5	207	18	1	-	-	-
Pay to Members of the House of Assembly - - - - -	4,264	16	7	2,720	5	-	-	-	-	7,237	11	4	-	-	-	1,530	-	-
For Provisions and Seed for relief of Parishes in Distress - - - - -	-	-	-	7,877	-	8	-	-	-	720	-	-	4,740	-	4	-	-	-
Expenses out of the British American Land Company - - - - -	-	-	-	-	-	-	9,674	14	1	1,705	4	5	672	9	1	-	-	8
of providing treatment to sick Mariners - - - - -	-	-	-	-	-	-	-	-	-	675	-	-	745	1	11	310	-	-
Purchase of Grosse Isle for Quarantine - - - - -	-	-	-	-	-	-	-	-	-	3,677	5	9	-	-	-	4,092	7	10
Expenses of Police at Quebec and Montreal - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3,599	16	8
Commission of Inquiry - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	94,174	16	7
Repayment of part of the Loan from the Imperial Treasury - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL EXPENDITURE - - - - - Sterling £.	134,621	8	8	127,793	10	8	67,448	11	6	173,753	6	5	141,164	9	10	224,050	1	5

Note.—The above statement shows the amount paid under the several heads of Expenditure during each of the years stated, but not the expenditure for those years respectively; as, in consequence of the regular supplies being withheld by the House of Assembly since 1832, the payments were made irregularly, as funds could be procured for the purpose.

RETURN of the Amount and Nature of the PUBLIC DEBT in the Province of Lower Canada, in each of the Years 1833, 1834, 1835, 1836, 1837, and 1838.

NATURE OF THE DEBT.	AMOUNT IN EACH OF THE YEARS										EXPLANATIONS.		
	1833.		1834.		1835.		1836.		1837.			1838.	
	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.		£.	s. d.
Loan for improving the harbour of Montreal, authorized by provincial Acts, 10 & 11 Geo. 4, c. 28, 1 Will. 4, c. 11, and 2 Will. 4, c. 36.	31,500	- -	31,500	- -	31,500	- -	31,500	- -	31,500	- -	31,500	- -	- - The interest on this loan is secured, in part, on the amount of wharfage dues collected, and the deficiency on the general funds of the Province. The interest at different rates, from five to six per cent., amounts to 1,715 <i>l.</i> sterling per annum, and is paid half-yearly. The annual net amount of wharfage dues is about 600 <i>l.</i> , the average of the last three years, but is likely to be increased hereafter, as some defect in the authorized mode of collection is remedied by a late ordinance of the Special Council.
For continuing the same work, in part of the loan for 40,000 <i>l.</i> , authorized by the ordinance of the Governor and Special Council, 1 Victoria, c. 23, there was raised, up to the end of the year 1838.	-	- -	-	- -	-	- -	-	- -	-	- -	10,327	10 -	The interest on this loan is secured as above.
Loan from the Imperial Treasury in 1834, in aid of the funds at the disposal of the Crown, towards paying the Civil Expenditure.	-	- -	29,236	17 -	29,236	17 -	29,236	17 -	29,236	17 -	13,513 10 3		{ - - There was paid out of the provincial funds, on account of these loans, in 1838, 86,593 <i>l.</i> 18 <i>s.</i> 9 <i>d.</i> , leaving a balance still unpaid of 13,513 <i>l.</i> 10 <i>s.</i> 3 <i>d.</i> , with the rate of premium on bills at the time of payment.
Loan under the Parliamentary Grant in 1837.	-	- -	-	- -	-	- -	-	- -	70,870	12 -			
TOTALS - - - £. Sterling	31,500	- -	60,736	17 -	60,736	17 -	60,736	17 -	131,607	9 -	55,341	- 3	

LOWER CANADA.

RETURNS of REVENUES received in respect of
Casual and Territorial Revenue Duties and
Licences, and of the Public Expenditure of the
Province of Lower Canada, 1833 to 1838.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
16 July 1839.

LOWER CANADA.

RETURN to an Address of the Honourable The House of Commons,
dated 20 February 1839;—for,

COPIES of all ORDINANCES, except those already presented to this House, passed by the SPECIAL COUNCIL and GOVERNOR of *Lower Canada*, since the 24th day of November 1838.

Colonial Office, Downing-street,
25 April 1839.

H. LABOUCHERE.

SCHEDULE.

- No. 45.—An Ordinance to authorize the Governor or Person administering the Government of this Province to appoint One or more Assistant Judges for the Courts of King's Bench for the Districts of Quebec and Montreal in this Province, and an Assistant Judge of the District of Three Rivers, in case of the Sickness, necessary Absence or Suspension from Office of any of the Justices of the said several Courts of King's Bench, or of the Resident Judge for the District of Three Rivers, in the said Province. (Passed 12 December 1838.)
- No. 46.—An Ordinance for indemnifying Persons who, since the First day of November 1838, have acted in apprehending, imprisoning or detaining in custody Persons suspected of High Treason or treasonable Practices, and in the Suppression of unlawful Assemblies, and for other purposes therein mentioned. (Passed 21 December 1838.)
- No. 47.—An Ordinance to declare that the Second Chapter of the Statute of the Parliament of England, passed in the Thirty-first year of the reign of King Charles the Second, is not nor has ever been in force in this Province, and for other purposes. (Passed 21 December 1838.)
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COPIES OF ORDINANCES, No. 45, No. 46, and No. 47.

No. 45.

(signed) J. COLBORNE.

AN ORDINANCE to authorize the Governor or Person administering the Government of this Province to appoint One or more Assistant Judges for the Courts of King's Bench for the Districts of Quebec and Montreal in this Province, and an Assistant Judge of the District of Three Rivers, in case of the Sickness, necessary Absence or Suspension from Office of any of the Justices of the said several Courts of King's Bench, or of the Resident Judge for the District of Three Rivers in the said Province.

WHEREAS it is expedient and necessary to authorize the Governor, Lieutenant-governor or Person administering the government of this province from time to time, in case of the sickness, necessary absence or suspension from office of any of the Justices of Her Majesty's Courts of King's Bench for the districts of Quebec and Montreal, or of the resident Judge of the district of Three Rivers in the said province, to appoint one or more Assistant Judges to supply his or their place or places during such sickness, necessary absence or suspension from office; Be it therefore ordained and enacted by his Excellency the Administrator of the Government of this province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the authority aforesaid, That from and after the passing of this Ordinance it shall be lawful for the Governor, Lieutenant-governor or person administering the government of the said province for the time being, from time to time, and whenever, by reason of illness or necessary absence, with the permission and license of the Governor, Lieutenant-governor or person administering the government of the said province, or of suspension from office, any of the Justices of the said Courts of King's Bench for the districts of Quebec and Montreal, or the resident Judge of the said district of Three Rivers, cannot sit in their respective Courts, or act as such Justices or resident Judge, to supply his or their place or places, and to nominate, constitute

and appoint, by an instrument or instruments under the great seal of the said province, one or more Assistant Judges, to sit and act in the said Courts of King's Bench for the districts of Quebec and Montreal, or to sit and act in the place and stead of the resident Judge of the said district of Three Rivers, as the case may be, during such illness, necessary absence or suspension from office.

And be it further ordained and enacted by the authority aforesaid, That the said Assistant Judges who shall in any of the cases be nominated, constituted and appointed in the place and stead of any of the Justices of the Courts of King's Bench for the districts of Quebec and Montreal shall have the same power and authority in the Courts of King's Bench in term as the Justices of either of the Courts of King's Bench for the districts of Quebec and Montreal now by law have when sitting in term in the said Court of King's Bench for the district of Three Rivers.

And be it further ordained and enacted by the authority aforesaid, That the Assistant Judge who shall in any of the cases aforesaid be nominated and appointed in the place and stead of the resident Judge of the district of Three Rivers, shall, during such sickness, necessary absence or suspension, have, hold, exercise and enjoy all and singular the powers authority and jurisdiction within the said district of Three Rivers vested by law in the said resident Judge of the said district of Three Rivers.

And be it further ordained and enacted by the authority aforesaid, That an Ordinance of this province made and passed in the first year of the reign of Her Majesty, intituled, "An Ordinance to declare and ascertain the Period when the Laws and Ordinances made and passed by the Governor or Person authorized to execute the Commission of Governor and Special Council of this Province shall take effect," be and the same is hereby repealed, as to this Ordinance only; and that this present Ordinance shall commence and have effect within the said province so soon as the Governor or person authorized to execute the commission of Governor of the said province shall have assented to and signed this present Ordinance.

(signed) *J. Colborne.*

Ordained and enacted by the authority aforesaid, and duly passed in Special Council at the Government House in the City of Montreal, the twelfth day of December, in the second year of the reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the year of our Lord One thousand eight hundred and Thirty-eight.

By his Excellency's command,

(signed) *Wm. B. Lindsay,*

Clerk Special Council.

(True copy.)

Wm. B. Lindsay, Clerk Special Council.

No. 46.

(signed) *J. COLBORNE.*

AN ORDINANCE for indemnifying Persons who, since the First day of November One thousand eight hundred and Thirty-eight, have acted in apprehending, imprisoning or detaining in custody Persons suspected of High Treason or treasonable Practices, and in the Suppression of unlawful Assemblies, and for other purposes therein mentioned.

WHEREAS a late armed insurrection of certain subjects of Her Majesty in the district of Montreal in this province, with intent to subvert the Government and to plunder and destroy the property of the loyal inhabitants, lately broke out in this province, during which the insurgents committed acts of murder, robbery and arson, and other offences, and occasioned much alarm for the peace and security of the province: And whereas, immediately before and during the said insurrection, and in consequence thereof, it became necessary for Justices of the Peace, Officers of Militia and other persons in authority in this province, and for divers loyal subjects of Her Majesty, to take all possible measures for apprehending, securing, detaining and bringing to justice persons charged or suspected of joining in the said insurrection or of aiding or abetting the same, or of other treasonable practices dangerous to the peace of this province and the security of its government, and also for the purpose of defeating and putting down the said insurrection, and for maintaining the peace of this province and securing the lives and properties of the inhabitants thereof: And whereas some of such acts may not have been strictly legal and formal, but it is nevertheless just and necessary that the persons doing or advising the same should be kept harmless and indemnified against actions at law or other proceedings with which they might otherwise be harassed; Be it therefore ordained and enacted by his Excellency the Administrator of the Government of this province, authorized to execute the commission of the Governor

Governor thereof, with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the authority aforesaid, That all personal actions, suits, indictments and prosecutions heretofore brought, commenced, preferred or exhibited, or now depending or to be hereafter brought, commenced, preferred or exhibited, and all judgments thereupon obtained, if any such there be or shall be, and all proceedings whatsoever against any person or persons for or on account of any act, matter or thing by him or them done, or commanded, ordered or directed or advised to be done, since the first day of November in the year of our Lord One thousand eight hundred and Thirty-eight, for apprehending, committing, imprisoning or detaining in custody, or discharging any person or persons who hath or have been imprisoned or detained in custody for high treason, suspicion of high treason or treasonable practices, or for apprehending, committing, imprisoning or detaining in custody any person or persons who hath or have been imprisoned or detained in custody for having been so tumultuously, unlawfully and traitorously assembled in arms as aforesaid, or for dispersing by force of arms any persons assembled as aforesaid, or for suppressing the said traitorous insurrection, and discovering and guarding against any other of the treasonable proceedings aforesaid, or for discovering and bringing to justice the persons concerned therein, or for maintaining the public peace and the security of Her Majesty's subjects in their persons and properties, or for supporting the government and constitution of this province against the treasonable practices and proceedings aforesaid, shall be discharged and made void, and that every person by whom any such act, matter or thing shall have been done, or commanded, ordered, directed or advised to be done, shall be freed, acquitted, discharged and indemnified as well against the Queen's Majesty, Her heirs and successors, as against all and every other person or persons.

And be it further ordained and enacted by the authority aforesaid, That if any action and suit shall be or have been brought, commenced or had in any Court of this province against any person or persons for or on account of any such act, matter or thing as aforesaid, he and they may plead the general issue, and give this Act and the special matter in evidence, and if the plaintiff or plaintiffs shall become nonsuit or forbear further prosecution, or suffer discontinuance in any such action or suit, or if a verdict shall pass or judgment be pronounced or rendered against the plaintiff or plaintiffs therein, the defendant or defendants therein shall be entitled to double costs, for which he or they shall have the like remedy as in other cases in which costs by law are given to defendants.

And be it further ordained and enacted by the authority aforesaid, That if any action, suit, indictment, information, prosecution or proceeding shall be brought, commenced, preferred, exhibited or had in any Court in this province against any person or persons for or on account of any such act, matter or thing as aforesaid, it shall be lawful for the defendant or defendants in any such action, suit, indictment, information, prosecution or proceeding, or for any of them, to apply by motion, petition or otherwise to the Court in which the same hath been or shall be brought, commenced, preferred, exhibited or had or shall be depending, if such Court shall be sitting, and if not sitting, then to any one of the Judges or Justices of such Court, to stay all further proceedings in such action, suit, indictment, information, prosecution or proceeding; and such Court, and any Judge or Justice thereof, when the said Court shall not be sitting, is hereby authorized and required to examine the matter of such application, and upon proof, by the oath or affidavit of the person or persons making such application, or any of them, or other proof to the satisfaction of such Court, Judge or Justice, that such action, suit, indictment, information, prosecution or proceeding is brought, commenced, preferred, exhibited or had for or on account of any such act, matter or thing as aforesaid, to make an order for staying execution and all other proceedings in such action, suit, indictment, information, prosecution or proceeding, in whatever state the same shall or may then be, and the Court or the Judge or Justice making any such order for stay of proceedings in any action or suit as aforesaid, shall also order unto the defendant or defendants, and he or they shall have or be entitled to double costs for all such proceedings as shall be had or carried on in any such action or suit after the passing of this Ordinance, and for which costs he and they shall have the like remedy as in cases where costs are by law given to defendants.

Provided always, That it shall be lawful for any person or persons being a party or parties to any such action, suit, indictment, information, prosecution or other proceedings, to apply by motion, petition or otherwise, in a summary way, to the Court in which the same shall have been brought, commenced, preferred, exhibited or had, or shall be depending, to vacate, discharge or set aside any order made by any Judge or Justice of that Court for staying proceedings or for payment of costs as aforesaid, so as such application be made within the first two days of the term or session of such Court next ensuing the making of any such order by any Judge or Justice as aforesaid, and such Court is required to examine the matter of such application and to make such order therein as if the application had been originally made to the said Court; but nevertheless, in the meantime and until such application shall be made to the said Court, and unless the said Court shall think fit to vacate, discharge, set aside or reverse the order made by any such Judge or Justice as aforesaid, the same shall continue in full force to all intents and purposes whatsoever.

And be it further ordained and enacted by the authority aforesaid, That all and every person or persons discharged out of custody as aforesaid, although he or they shall not have been discharged according to law, shall be deemed and taken to have been legally discharged out of custody.

And be it further ordained and enacted by the authority aforesaid, That an Ordinance of this province, made and passed in the first year of the reign of Her Majesty, intituled, "An Ordinance to declare and ascertain the Period when the Laws and Ordinances made and passed by the Governor or Person authorized to execute the Commission of Governor and Special Council of this Province shall take effect," be and the same is hereby repealed, as to this Ordinance only, and that this present Ordinance shall commence and have effect within the said province so soon as the Governor or person authorized to execute the commission of Governor of the said province shall have assented to and signed this present Ordinance.

(signed) *J. Colborne.*

Ordained and enacted by the authority aforesaid, and duly passed in Special Council at the Government House in the City of Montreal, the twenty-first day of December, in the second year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the year of our Lord One thousand eight hundred and Thirty-eight.

By his Excellency's command,

(signed) *Wm. B. Lindsay,*
Clerk Special Council.

(True copy.)

Wm. B. Lindsay, Clerk Special Council.

No. 47.

(signed) *J. COLBORNE.*

AN ORDINANCE to declare that the Second Chapter of the Statute of the Parliament of England, passed in the thirty-first year of the reign of King Charles the Second, is not nor has ever been in force in this Province, and for other purposes.

WHEREAS a certain Writ, purporting to be a Writ of Habeas Corpus in Her Majesty's name, was, on the application of John Teed, of the City of Quebec, tailor, charged with suspicion of High Treason, granted by the Honourable Philip Panet, one of the Justices of Her Majesty's Court of King's Bench for the district of Quebec, and was issued out of the said Court of King's Bench, bearing teste on or about the twenty-first day of November, in the second year of Her Majesty's reign, addressed to the keeper of the common gaol of the district of Quebec, commanding him to bring up the body of the said John Teed: And whereas the said Writ of Habeas Corpus was granted and issued under the pretended authority of an Act of the Parliament of England passed in the thirty-first year of the reign of King Charles the Second, intituled, "An Act for the better securing the Liberty of the Subject, and for Prevention of Imprisonment beyond Seas:" And whereas a certain other Writ, purporting to be a Writ of Habeas Corpus in Her Majesty's name, was, on the application of the said John Teed, charged with suspicion of High Treason as aforesaid, granted by the Honourable Philip Panet, one of the Justices of Her Majesty's Court of King's Bench for the district of Quebec, and was issued out of the said Court of King's Bench, bearing teste on or about the twenty-eighth day of November now last past, addressed to Thomas Ainslie Young, of Quebec, Esquire, Justice of the Peace, and Superintendent of Police for the city and *banlieue* of Quebec, commanding him to bring up the body of the said John Teed, which said last-mentioned Writ of Habeas Corpus was granted and issued under the pretended authority of the said Act of the Parliament of England: And whereas the said Act of the Parliament of England was not at the time and times of the granting and issuing of the said Writs of Habeas Corpus, nor ever has been in force in this province: And whereas for an alleged contempt for an insufficient return to the said first-mentioned Writ of Habeas Corpus, a Writ of Attachment, bearing teste on or about the twenty-second day of November, in the second year of Her Majesty's reign, was issued out of the said Court of King's Bench against the body of John Jeffreys, then being the keeper of the said common gaol, by virtue whereof the said John Jeffreys was committed to the common gaol of the said district of Quebec, and is now detained in the common gaol of the said district of Quebec: And whereas for an alleged contempt for an insufficient return to the secondly above-mentioned Writ of Habeas Corpus, a certain other Writ of Attachment, bearing teste on or about the twenty-ninth day of November now last past, was issued out of the said Court of King's Bench against the body of the said Thomas Ainslie Young: And whereas the said Act of the Parliament of England passed in the thirty-first year of the reign of King Charles the Second is not nor has ever been in force in this province, and it is expedient and necessary to declare the same, and to make other provisions in the premises; Be it therefore ordained, declared and enacted, by his Excellency the Administrator of the Government of this

this Province, authorized to execute the commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada," and it is hereby ordained, declared and enacted by the authority aforesaid, That the said Act of the Parliament of England passed in the thirty first year of the reign of King Charles the Second is not nor has ever been in force in this province, and that the granting and issuing of the said two several Writs of Habeas Corpus, under and by virtue of the said Act, and all and every the proceedings, acts, matters and things had and done, or to be had and done, under, for or by reason of the said two Writs of Habeas Corpus, and the said two Writs of Attachment, and each and every of them, were and are wholly irregular, illegal and void, and that the said John Jeffreys, the keeper of the common gaol of the said district of Quebec, be and he is hereby discharged from confinement and imprisonment under the said Writ of Attachment against him issued as aforesaid, and that the said Thomas Ainslie Young be and he is hereby wholly to all intents and purposes whatsoever discharged and set free from the said Writ of Attachment issued against him as aforesaid.

And whereas a certain other writ of Habeas Corpus, in Her Majesty's name, was, on the application of the said John Teed, granted by the Honourable Elzéar Bédard, one of the Justices of the said Court of King's Bench for the district of Quebec, and was issued out of the said Court of King's Bench for the said district of Quebec, bearing date on or about the twenty-first day of November, in the second year of Her Majesty's reign, addressed to George Bowles, Esquire, a superior officer in Her Majesty's Foot Guards, commanding him to bring up the body of the said John Teed; which said last-mentioned Writ of Habeas Corpus was so issued in virtue of an Act of the Legislature of this Province, passed in the fifty-second year of the reign of his late Majesty King George the Third, intituled, "An Act to secure the Liberty of the Subject by extending the Powers of his Majesty's Courts of Law in this Province as to Writs of Habeas Corpus *ad subjiciendum*, and as to the Means of enforcing Obedience to such Writs:" And whereas for want of a return to the said last-mentioned Writ of Habeas Corpus, a Writ of Attachment, bearing teste on or about the twenty-first day of November, in the second year of Her Majesty's reign, was issued out of the said Court of King's Bench for the said district of Quebec against the body of the said George Bowles: And whereas the said John Teed, so charged with suspicion of treason as aforesaid, was necessarily committed to the custody of the said George Bowles, to the end that he might be safely kept and detained; and that the provisions and intentions of an Ordinance of his Excellency the Administrator of the Government of the said Province, and of the Special Council for the affairs thereof, passed in the second year of Her Majesty's reign, intituled, "An Ordinance for the Suppression of the Rebellion which unhappily exists within this Province of Lower Canada, and for the Protection of the Persons and Properties of Her Majesty's faithful Subjects within the same," might, as to the said John Teed being a person charged with one of the crimes and offences in the said Ordinance mentioned, be enforced and fulfilled, and it is expedient and necessary that relief should be granted to the said George Bowles in that behalf; Be it therefore further ordained and enacted by the authority aforesaid, That the said last-mentioned Writ of Attachment so as aforesaid issued against the said George Bowles, and all the proceedings which may be had under the same, are hereby superseded, set aside and annulled, and that the said George Bowles be and he is hereby fully discharged and set free from the same, to all intents and purposes whatsoever.

And be it further ordained and enacted by the authority aforesaid, That an Ordinance of this province made and passed in the first year of the reign of Her Majesty, intituled, "An Ordinance to declare and ascertain the Period when the Laws and Ordinances made and passed by the Governor or Person authorized to execute the commission of Governor and Special Council of this Province shall take effect," be and the same is hereby repealed as to this Ordinance only; and that this present Ordinance shall commence and have effect within the said province so soon as the Governor or person authorized to execute the commission of Governor of the said province shall have assented to and signed this present Ordinance.

(signed) *J. Colborne.*

Ordained and enacted by the authority aforesaid, and duly passed in Special Council at the Government House in the City of Montreal, the twenty-first day of December, in the second year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the year of our Lord One thousand eight hundred and Thirty-eight.

By his Excellency's command,

(signed) *Wm. B. Lindsay,*
Clerk Special Council.

(True copy.)

Wm. B. Lindsay, Clerk Special Council.

LOWER CANADA.

COPIES of all ORDINANCES, except those already presented to The House, passed by the SPECIAL COUNCIL and GOVERNOR of *Lower Canada*, since the 24th day of November 1838.

(*Mr. Hume.*)

*Ordered, by The House of Commons, to be Printed,
26 April 1839.*

223.

C A N A D A.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 8 May 1838;—for,

RETURN of the NAMES and QUALITY or STATION of the several PERSONS arrested in *Upper Canada*, and placed in Confinement in the Prisons in *Toronto*, and other Places in the Province, on a charge of INSURRECTION or TREASON; the Dates of their Arrest and Discharge; and, if Tried, whether by Court Martial or Civil Courts, with the Result of such Trials severally; also, the Number in Prison at the time of the last Despatch.

A similar RETURN for *Lower Canada*. [Not yet received.]

Colonial Office, Downing-street, }
22 February 1839.

JAMES STEPHEN.

Ordered, by The House of Commons, to be Printed, 25 February 1839.

COPY of a DESPATCH from Lieutenant-Governor Sir *George Arthur*, K.C.H.,
to Lord *Glenelg*.

(No. 118.)

My Lord, Government House, Toronto, 31 December 1838.

I AM at length enabled to transmit to your Lordship the Return required by the Resolution of the House of Commons, dated 8th of May last, which was communicated to me in your Lordship's despatch, No. 93.

9 June 1838.

The period embraced by the Return extends from the time of the first outbreak of domestic troubles in the month of December last, up to a period immediately antecedent to the invasion of the country effected at Prescott on the 12th of November last by American citizens.

As it would have been impracticable to ascertain, with any degree of accuracy, the number of persons remaining in prison "at the date of the last despatch," according to the requisition of the House of Commons, I have directed a statement to be given of the number who remained in prison on the 1st day of November, which, in fact, will render the Return more complete than if an earlier date had been fixed upon.

Considerable delay has been unavoidable in the preparation of this Return, by the necessity of collecting information from the several districts of the Province; which, however, as your Lordship will not fail to remark, has not been so full as to supply the quality or station of all the persons arrested; and in this respect, therefore, the Return is partially defective.

I have, &c.

(signed) *George Arthur*.

RETURN of the NAMES and QUALITY or STATION of the several PERSONS arrested in *Upper Canada*, and placed in Confinement in the Prisons in *Toronto*, and other Places in the Province, on a Charge of INSURRECTION or TREASON; the Dates of their Arrest and Discharge; and, if Tried, whether by Court Martial or Civil Court, with the Result of such Trials severally; also, the Number in Prison at the time of the last Despatch; prepared from Returns furnished by the respective Sheriffs;—To which is added, a Schedule of Persons who have Absconded.

No.	N A M E.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether Tried by CourtMartial or Civil Court.	Result of the Trial.	Remarks, Final Sentence, &c.
<i>Eastern, Ottawa, and Bathurst Districts :</i>							
No prisoners confined in the above districts on a charge of insurrection or treason.							
<i>Johnstown District :</i>							
1	Thomas Wilson	methodist preacher.	13 Dec.1837	15 Dec. 1837	not tried	-	- Discharged by the magistrates.
2	Wm. H. Sherman	shoemaker	18 - -	16 Feb. 1838	-	-	- ditto - no evidence.
3	Wellesley Pike	yeoman	18 - -	18 Dec. 1837	-	-	Discharged by the magistrates.
4	Charles Swift	saddler	27 - -	23 Jan. 1838	-	-	
5	George R. Brian	baker	2 Jan. 1838	2 - -	-	-	ditto - no evidence.
6	John Thomas	yeoman	6 Feb. -	10 Feb. -	-	-	
7	James Malone	tailor	25 July -	26 July -	-	-	
8	William Parrot	labourer	3 Aug. -	3 Aug. -	-	-	
<i>Prince Edward District :</i>							
No prisoner confined in this district on a charge of insurrection or treason.							
<i>Midland District :</i>							
1	George R. Huffman	tanner	12 Dec.1837	4 Jan. 1838	not tried	-	Liberated on bail by Queen's counsel.
2	Francis M. Weafer	teacher	12 - -	10 - -	-	-	
3	Augustus Yibodo	yeoman	12 - -	13 Dec. 1837	-	-	Discharged by the magistrates.
4	John Burley	gentleman	12 - -	13 - -	-	-	
5	Wm. Cunningham	artist	14 - -	16 - -	-	-	Admitted to bail by Attorney-general.
6	Reuben White	yeoman	17 - -	2 Jan. 1838	-	-	
7	Joseph Canniff	milller	17 - -	2 - -	-	-	
8	Joseph Lockwood	yeoman	17 - -	2 - -	-	-	Liberated by Lieut.-gov. on his own petition, he absented himself from the Province.
9	Norr. H. Herns	-	17 - -	2 - -	-	-	
10	Joseph P. Cavalar	-	17 - -	2 - -	-	-	
11	Gideon Turner	township clerk.	17 - -	2 - -	-	-	Indicted, but bill ignored.
12	Peter Davidson	yeoman	17 - -	2 - -	-	-	
13	C. H. M'Collum	merchant	17 - -	20 Dec. 1837	-	-	
14	Thomas Anderson	yeoman	19 - -	20 May 1838	-	-	Admitted to bail by Attorney-general. Not sufficient evidence to prosecute on.
15	Oliver Robinson	-	19 - -	20 - -	-	-	
16	Richard Tucker	-	19 - -	20 - -	-	-	Admitted to bail 2d Jan., and surrendered 19th May.
17	Anson M. Day	-	19 - -	7 July -	oyer & terminer.	acquitted.	
18	Anson Hayden	doctor	19 - -	2 Jan. -	not tried	-	Discharged upon security for good behaviour.
19	Cornelius Parks	innkeeper	19 - -	2 - -	-	-	
20	John Jacobs	shoemaker	20 - -	29 - -	-	-	Admitted to bail by Queen's counsel.
21	James O. Harr	yeoman	22 - -	5 - -	-	-	
22	James M'Cann	teacher	22 - -	12 - -	-	-	Indicted, but bill ignored.
23	Hiram Banazar	yeoman	20 - -	5 - -	-	-	
24	Nelson C. Reynolds	merchant	26 - -	6 July -	oyer & terminer.	acquitted	
25	John Belby	butcher	26 - -	2 Jan. -	not tried	-	Discharged upon security for good behaviour.
26	John B. Wheeler	yeoman	31 - -	12 - -	-	-	
27	Charles N. Phillips	shoemaker	1 Jan. 1838	9 Feb. -	-	-	Admitted to bail by Queen's counsel.
28	Thomas Mullins	yeoman	2 - -	5 Jan. -	-	-	
29	Samuel Parkeymore	-	5 - -	9 - -	-	-	Indicted, but bill ignored.
30	Christ. Lafontaine	-	22 Feb. -	8 July -	oyer & terminer.	acquitted.	
31	Samuel Marsh	-	22 - -	8 - -	-	-	Admitted to bail by Queen's counsel.
32	Asa Lewis	-	22 - -	8 - -	-	-	
33	Peter Orr	-	22 - -	8 - -	-	-	Indicted, but bill ignored.
34	Charles Marsh	-	22 - -	8 - -	-	-	
35	William A. Forward	attorney	22 - -	13 Mar. -	not tried	-	
36	Hiram Mott	yeoman	23 - -	11 May -	-	-	Indicted, but bill ignored.
37	Stephen Mott	-	23 - -	11 - -	-	-	
38	William Anderson	-	28 - -	29 Mar. -	-	-	

OF LOWER CANADA, 1833 TO 1838.

3

RETURN of the REVENUES received in *Lower Canada*, in each of the Years 1833, 1834, 1835, 1836, 1837, and 1838.

SOURCES OF REVENUE.	In the Year 1833.			In the Year 1834.			In the Year 1835.			In the Year 1836.			In the Year 1837.			In the Year 1838.		
	Gross Amount received.	Net Amount for Lower Canada, after deducting Expenses of Collection and Proportion for Upper Canada.		Gross Amount received.	Net Amount for Lower Canada, &c.		Gross Amount received.	Net Amount for Lower Canada, &c.		Gross Amount received.	Net Amount for Lower Canada, &c.		Gross Amount received.	Net Amount for Lower Canada, &c.		Gross Amount received.	Net Amount for Lower Canada, &c.	
Casual and Territorial Revenue	£. 5,665	£. 5,301	£. d. 9 - 6 1	£. 5,854	£. 5,468	£. d. 7 1/2 - 13 8	£. 4,688	£. 4,407	£. d. 13 2 3/4 - 19 - 1/2	£. 3,089	£. 2,909	£. d. 2 9 1/2 - 19 4	£. 6,097	£. 6,041	£. d. 18 5 - 15 11 1/2	£. 4,964	£. 4,964	£. d. 5 2 - 5 2
Duties under Imperial Act, 14 Geo. 3	47,569	31,688	2 6	32,650	21,740	17 11	42,842	28,535	15 7	25,589	16,023	9 3 1/2	16,357	10,035	13 3 1/2	31,686	19,467	15 4 1/2
Licences under - ditto - - ditto	2,629	2,629	16 -	2,365	2,365	4 -	2,579	2,579	8 -	3,526	3,526	4 -	2,437	2,437	4 -	2,593	2,593	16 -
Duties under Provincial Act, 41 Geo. 3	6,174	5,285	5 1	5,709	5,041	15 6 1/2	5,790	5,143	17 6 1/2	5,551	4,988	17 5 1/2	5,576	5,361	11 1	7,032	6,683	15 11 1/2
Licences on Billiard Tables, under Provincial Act, 41 Geo. 3 - -	45 -	45 -	- -	78 15 -	78 15 -	- -	56 5 -	56 5 -	- -	22 10 -	22 10 -	- -	22 10 -	22 10 -	- -	38 15 -	38 15 -	- -
Duties under Provincial Act, 53 Geo. 3	4,471	2,982	4 7	3,337	2,225	18 10 1/2	2,258	1,507	3 9 1/2	1,736	1,080	1 1	1,459	890	12 2	1,815	1,176	2 1
Ditto - - ditto - 35 Geo. 3	38,750	24,963	18 -	36,336	23,514	7 4	38,451	25,193	10 3	31,723	19,207	15 5 1/2	29,877	18,462	17 6	25,630	15,596	3 8 1/2
Licences under - ditto - - ditto	2,916	2,916	- -	2,590	2,530	4 -	2,676	2,676	12 -	3,601	3,601	16 -	2,489	2,489	8 -	2,647	2,647	16 -
Duties under Provincial Act, 53 Geo. 3, amended by 55 Geo. 3, and continued by Imperial Act, 3 Geo. 4, c. 119 -	32,190	22,210	12 9	21,959	15,021	17 6	30,348	20,638	13 5	40,676	26,770	1 1 1/2	34,968	21,897	8 6	25,756	16,218	6 8 1/2
Duties under Provincial Act, 55 Geo. 3, c. 3, and continued by Imperial Act, 3 Geo. 4, c. 119 -	43,938	29,289	11 3	19,735	13,160	5 7	37,207	24,807	9 11 1/2	22,063	13,836	17 1 1/2	18,482	11,381	5 - 1/2	16,382	10,166	- 8
Duties under Imperial Acts, 6 Geo. 4, c. 114, and 3 & 4 Will. 4, c. 59 -	13,755	7,398	8 6	9,433	1,946	7 1	10,519	4,682	16 5	10,745	2,256	12 3	11,597	2,978	3 5 1/2	16,306	7,077	11 7
Duties under Imperial Act, 6 Geo. 3, c. 52 - - -	111 10 1	111 10 1	1	52 13 6 1/2	52 13 6 1/2	6 1/2	31 19 5 1/2	31 19 5 1/2	5 1/2	- - -	- - -	- - -	17 4 5 1/2	17 4 5 1/2	5 1/2	- - -	- - -	- - -
Fines and Forfeitures - - -	370 4 4	342 14 4	4	163 18 -	163 18 -	-	198 9 8	198 9 8	8	301 8 6 1/2	301 8 6 1/2	6 1/2	762 4 8	762 4 8	8	464 12 6 1/2	464 12 6 1/2	6 1/2
Tolls on Lachine Canal - - -	6,498	4,635	- -	6,066	3,960	- -	- - -	- - -	- -	4,407	3,510	- -	4,430	2,008	12 7 1/2	6,359	4,167	3 8
Monies collected under 4 Geo. 4, c. 21	- - -	- - -	- -	10 4 7	6 18 5	5	- - -	- - -	- -	- - -	- - -	- -	38 17 5	38 17 5	5	- - -	- - -	- - -
Duties on Shipping, under 45 and 51 Geo. 3. - - -	3,585	3,494	3 7	4,126	4,023	- 10 1/2	4,121	4,015	- 6	4,301	4,189	9 6	4,312	4,200	6 9	3,729	3,633	14 10 1/2
Duties on Passengers - - -	4,298	4,298	7 3	- - -	- - -	-	2,197	2,197	10 9	5,293	5,293	8 6	3,802	3,802	10 9	656	656	18 4
TOTALS, Sterling - - £.	212,571	147,712	- -	150,470	101,360	17 4 1/2	183,963	126,672	11 3 1/2	162,629	107,518	9 8	142,726	92,832	5 8	146,079	95,547	17 8

No.	N A M E.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether Tried by Court Martial or Civil Court.	Result of the Trial.	Remarks, Final Sentence, &c.
3	Daniel Winstow -	labourer -	6 Dec. 1837	11 Dec. 1837	not tried -	- -	Discharged by commission, after examination.
4	Louis Brine -	—	6 - -	21 - -	—	- -	
5	James Raggat -	—	6 - -	11 - -	—	- -	
6	Patrick Casey -	—	7 - -	11 - -	—	- -	
7	H. Carlton -	—	7 - -	21 - -	—	- -	
8	Arthur Laidlaw -	—	7 - -	9 - -	—	- -	
9	J. M'Gilles -	—	6 - -	21 - -	—	- -	
10	W. Young -	—	7 - -	9 - -	—	- -	-- Sentenced to death; com- muted to transportation. Escaped from Fort Henry, Kingston.
11	John Anderson -	innkeeper -	7 - -	- - -	special oyer and terminer.	guilty -	
12	James Smith -	labourer -	6 - -	21 - -	not tried -	- -	Discharged by commission, after examination.
13	Peter Deguire -	—	7 - -	21 - -	—	- -	
14	Cornelius Duncan -	—	7 - -	21 - -	—	- -	
15	William Kendrick -	—	7 - -	21 - -	—	- -	
16	George Ireland -	—	7 - -	19 - -	—	- -	
17	Joseph Horne -	—	7 - -	17 - -	—	- -	
18	Maurice Fitzgerald -	—	7 - -	9 - -	—	- -	
19	George Carrol -	—	6 - -	21 - -	—	- -	
20	Samuel Carpenter -	—	7 - -	21 - -	—	- -	
21	Thomas Burrill -	—	5 - -	8 - -	—	- -	
22	Thomas Rerdon -	tinsmith -	5 - -	9 - -	—	- -	
23	John Kennedy -	labourer -	7 - -	9 - -	—	- -	
24	John Kennedy (2) -	carpenter -	8 - -	9 - -	—	- -	
25	Patrick M'Chrystal -	labourer -	8 - -	11 - -	—	- -	
26	W. T. Kenedy -	clerk -	5 - -	21 - -	—	- -	
27	W. Milney -	yeoman -	4 - -	19 - -	—	- -	
28	F. Wardrope -	—	4 - -	9 - -	—	- -	
29	George Farley -	—	4 - -	9 - -	—	- -	
30	Henry Hall -	—	4 - -	13 - -	—	- -	
31	John Dunn -	labourer -	7 - -	19 - -	—	- -	
32	William Pearson -	yeoman -	7 - -	21 - -	—	- -	
33	Andrew Dragoon -	labourer -	7 - -	21 - -	—	- -	
34	Frederick Anderson -	—	7 - -	19 - -	—	- -	
35	James Bergin -	—	7 - -	15 - -	—	- -	
36	Henry Cowen -	blacksmith -	7 - -	21 - -	—	- -	
37	Cristin Ninny -	labourer -	7 - -	23 - -	—	- -	
38	William Alderney -	—	7 - -	9 - -	—	- -	
39	Francis Lyons -	—	7 - -	9 - -	—	- -	
40	Daniel Gamble -	—	8 - -	23 - -	—	- -	
41	William Robertson -	—	8 - -	21 - -	—	- -	
42	Robert Stibbert -	—	8 - -	10 Apr. 1838	special oyer and terminer.	acquitted.	
43	James Johnson -	—	9 - -	21 Dec. 1837	not tried -	- -	Discharged by commission, after examination.
44	Gordon Burgess -	—	9 - -	17 - -	—	- -	
45	John Burgess -	—	9 - -	17 - -	—	- -	
46	John Pearson -	—	9 - -	11 - -	—	- -	
47	James Hutchinson -	—	9 - -	26 - -	—	- -	
48	Richard Taylor -	—	9 - -	26 - -	—	- -	
49	Robert Baillie -	—	9 - -	23 - -	—	- -	
50	Seymour H. W. Stogdill.	—	9 - -	Oct. - 1838	petitioned under 1 Vict. c. 10.	- -	-- Pardoned, on giving secu- rity to keep the peace, and be of good behaviour for 3 years. Died in the hospital.
51	Col. Van Egmond -	yeoman -	9 - -	30 Dec. 1837	not tried -	- -	Discharged by commission, after examination. - Transportation to Van Die- men's Land for life.
52	James Hunter -	physician -	10 - -	21 - -	—	- -	
53	William Watson -	labourer -	10 - -	21 - -	—	- -	
54	Leonard Watson -	—	10 - -	- - -	petitioned under 1 Vict. c. 10.	- -	
55	Eli Bateman -	—	10 - -	19 Dec. 1837	not tried -	- -	- Discharged by commission, after examination.
56	Joseph Sheppard -	yeoman -	11 - -	12 May 1838	{petitioned under 1 V. c. 10.}	- -	{Pardoned, on giving secu- rity to keep the peace, and be of good behaviour for 3 years.
57	Jacob Sheppard -	—	11 - -	12 - -		- -	
58	John Brown -	—	10 - -	11 Dec. 1837	not tried -	- -	Discharged by commission, after examination. - Transportation to Van Die- men's Land for 14 years.
59	James Latimer -	printer -	11 - -	14 - -	—	- -	
60	William Alves -	labourer -	11 - -	- - -	petitioned under 1 Vict. c. 10.	- -	
61	Edward Hilton -	—	11 - -	23 - -	not tried -	- -	Discharged by commission, after examination. -- Sentenced to death; com- muted to transportation. Escaped from Fort Henry, Kingston.
62	George Nelson -	—	11 - -	14 - -	—	- -	
63	John Montgomery -	innkeeper -	11 - -	- - -	special oyer and terminer.	guilty -	
64	Henry Brock -	labourer -	11 - -	21 - -	not tried -	- -	Discharged by commission after examination. -- Pardoned, on giving secu- rity to keep the peace, and be of good behaviour for 3 years.
65	Edward Brock -	—	11 - -	21 - -	—	- -	
66	Robert Brock -	—	11 - -	13 July 1838	petitioned under 1 Vict. c. 10.	- -	

ON CHARGES OF INSURRECTION OR TREASON.

5

No.	N A M E.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether Tried by Court Martial or Civil Court.	Result of the Trial.	Remarks, Final Sentence, &c.
67	Michael Vincent -	labourer -	11 Dec.1837	19 Dec.1837	not tried -	- -	Discharged by commis- sion, after examination.
68	John Whiting -	—	11 - -	20 - -	—	- -	
69	William Clay -	—	11 - -	30 - -	—	- -	
70	James Egar -	—	11 - -	17 - -	—	- -	
71	Robert Middleton -	—	11 - -	26 - -	—	- -	Discharged by commis- sion, after examination.
72	William Ballard -	—	11 - -	27 - -	—	- -	
73	Samuel Read -	—	11 - -	17 - -	—	- -	
74	John Russel -	—	11 - -	17 - -	—	- -	
75	Wm. M. Plasted -	—	11 - -	13 - -	—	- -	-- Pardoned, on giving se- curity to keep the peace, and be of good behaviour for 3 years.
76	Godlip Eickart -	yeoman -	11 - -	12 May1838	petitioned under 1 Vict. c. 10.	- -	
77	Gregory Innis -	labourer -	11 - -	26 Dec.1837	not tried -	- -	Discharged by commis- sion, after examination.
78	George Eickart -	—	11 - -	21 - -	—	- -	
79	George Chewett -	—	11 - -	23 - -	—	- -	
80	John Steeple -	—	11 - -	26 - -	—	- -	
81	William Jackson -	—	11 - -	21 - -	—	- -	Discharged by commis- sion, after examination.
82	Andrew Eickart -	—	11 - -	21 - -	—	- -	
83	David Cash -	—	11 - -	20 - -	—	- -	
84	Robert Stiver -	—	11 - -	14 - -	—	- -	
85	Daniel Hibner -	—	11 - -	21 - -	—	- -	-- Pardoned, on giving se- curity to keep the peace, and be of good behaviour for 3 years.
86	Daniel Sheppard -	—	11 - -	31 - -	—	- -	
87	Frederick Eickart -	—	11 - -	21 - -	—	- -	
88	William Pool -	—	11 - -	13 July1838	petitioned under 1 Vict. c. 10.	- -	
89	John Brett -	—	11 - -	21 Dec.1837	not tried -	- -	Discharged by commis- sion, after examination.
90	Francis Way -	—	11 - -	19 - -	—	- -	
91	Peter Storey -	—	11 - -	19 - -	—	- -	
92	John M'Millan -	—	11 - -	26 - -	—	- -	
93	Henry Earl -	—	11 - -	26 - -	—	- -	Discharged by commis- sion, after examination.
94	Edward Snider -	—	11 - -	15 - -	—	- -	
95	Henry Shaver -	—	11 - -	15 - -	—	- -	
96	Emanuel Tomlinson -	—	11 - -	23 - -	—	- -	
97	William Rogers -	—	11 - -	23 - -	—	- -	Pardoned, on giving secu- rity to keep the peace, and be of good behaviour for 3 years.
98	Samuel Brock -	—	11 - -	23 - -	—	- -	
99	Philip Busson -	—	12 - -	23 - -	—	- -	
100	George Garbut -	—	12 - -	21 - -	—	- -	
101	John Brammer -	—	12 - -	12 May1838	petitioned under 1 Vict. c. 10.	- -	-- Sent to hospital, and es- caped from thence.
102	Philo Belfry -	yeoman -	12 - -	11 - -	—	- -	
103	Alexander Read -	—	12 - -	11 Jan. -	—	- -	
104	William Nelson -	—	12 - -	13 July -	—	- -	
105	John Cuyler -	labourer -	12 - -	23 Mar. -	not tried -	- -	Discharged by commission, after examination.
106	Joshua Stevens -	—	12 - -	23 Dec.1837	—	- -	
107	W. R. Lount -	—	12 - -	21 - -	—	- -	
108	Philip Wideman -	yeoman -	12 - -	10 May1838	petitioned under 1 Vict. c. 10.	- -	
109	Charles Burling -	—	12 - -	23 Dec.1837	not tried -	- -	Pardoned, on giving secu- rity to keep the peace, and be of good behaviour for 3 years.
110	Richard Watson -	—	13 - -	12 May1838	petitioned under 1 Vict. c. 10.	- -	
111	Peter Rogers -	—	13 - -	13 July -	—	- -	
112	William King -	—	13 - -	23 Dec.1837	not tried -	- -	
113	William Rogers -	yeoman -	13 - -	18 Apr.1838	specialoyer and terminer.	acquitted.	Discharged by commis- sion, after examination.
114	J. W. Kendrick -	labourer -	13 - -	23 Dec.1837	not tried -	- -	
115	George Hill -	—	13 - -	16 - -	—	- -	
116	Joseph Gould -	yeoman -	13 - -	Oct. 1838	petitioned under 1 Vict. c. 10.	- -	
117	Abraham Haling -	labourer -	13 - -	- - -	—	- -	-- Banished from the Pro- vince.
118	Joseph Newlove -	—	13 - -	15 Dec.1837	not tried -	- -	
119	George Wilson -	—	13 - -	15 - -	—	- -	
120	William Asher -	—	13 - -	15 - -	—	- -	
121	John Beilby -	—	13 - -	15 - -	—	- -	Admitted to bail, and par- doned on giving security to keep the peace, &c.
122	Joseph Wilson -	—	13 - -	15 - -	—	- -	
123	Periphen Hawke -	—	13 - -	12 May1838	petitioned under 1 Vict. c. 10.	- -	
124	Gideon Vernon -	—	13 - -	23 Feb. -	—	- -	
125	Isaac Masterson -	—	13 - -	18 May -	—	- -	

No.	N A M E.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether Tried by Court Martial or Civil Court.	Result of the Trial.	Remarks, Final Sentence, &c.
126	Weldon Hughes -	labourer -	13 Dec. 1837	12 May 1838	petitioned under 1 Vict. c. 10.	- -	Admitted to bail, and pardoned on giving security to keep the peace, &c.
127	Abraham Musselman	yeoman -	13 - -	27 Feb. -	-	- -	
128	Peter Pence -	-	13 - -	8 Jan. -	-	- -	
129	Henry Johnson -	-	14 Dec. 1837	12 May -	-	- -	
130	James Johnson -	-	14 - -	12 - -	-	- -	
131	Joseph Johnson -	-	14 - -	20 April -	-	- -	-- Discharged by commission, after examination.
132	John Clarke -	-	14 - -	21 Dec. 1837	not tried -	- -	
133	John Browne -	-	14 - -	- - -	petitioned under 1 Vict. c. 10.	- -	Banished from the Province.
134	Hugh D. Wilson -	-	14 - -	Oct. 1838	-	- -	Pardoned on finding security to keep the peace, and be of good behaviour for 3 years.
135	John D. Wilson -	-	14 - -	12 May -	-	- -	
136	William Brougham	-	14 - -	21 Dec. 1837	not tried -	- -	-- Discharged by commission, after examination.
137	Peter Grant -	-	14 - -	19 - -	-	- -	
138	Joseph Millburn -	-	14 - -	Oct. 1838	petitioned under 1 Vict. c. 10.	- -	-- Pardoned, on finding security to keep the peace, and be of good behaviour for 3 years.
139	David Dean -	-	14 - -	23 Dec. 1837	not tried -	- -	Discharged by commission, after examination.
140	Peter Munro -	-	14 - -	23 - -	-	- -	
141	Samuel Munro -	-	14 - -	27 - -	-	- -	Executed 12th April 1838.
142	John M'Kay -	-	14 - -	26 - -	-	- -	
143	Peter Matthews -	-	14 - -	- - -	special oyer and terminer.	guilty -	-- Sentenced to transportation, but escaped from Fort Henry, Kingston.
144	John Stewart -	-	14 - -	- - -	petitioned under 1 Vict. c. 10.	- -	
145	John Wilkie -	labourer -	14 - -	Oct. 1838	-	- -	Pardoned, on finding security to keep the peace, and be of good behaviour for 3 years.
146	Reuben Lundy -	-	14 - -	12 May -	-	- -	
147	Emanuel Doner -	-	15 Dec. 1837	21 Dec. 1837	not tried -	- -	Discharged by commission, after examination.
148	Joseph Doner -	-	15 - -	21 - -	-	- -	
149	John Sheppard -	-	15 - -	21 - -	-	- -	
150	Jacob Troyer -	-	15 - -	21 - -	-	- -	
151	David Blair -	-	15 - -	21 - -	-	- -	
152	L. S. W. Richardson	-	15 - -	21 Jan. 1838	-	- -	Pardoned, on finding security to keep the peace, and be of good behaviour for 3 years.
153	George Robinson -	-	15 - -	19 Dec. 1837	-	- -	
154	Benjamin Winhup -	-	15 - -	21 - -	-	- -	
155	Thomas Wilson -	-	15 - -	Oct. 1838	petitioned under 1 Vict. c. 10.	- -	
156	David Porter -	yeoman -	15 - -	- - -	-	- -	
157	W. G. Edmonstone	teacher -	15 - -	12 July -	-	- -	-- Discharged by commission, after examination.
158	George Holborn -	labourer -	15 - -	21 Dec. 1837	not tried -	- -	
159	George Lamb -	-	15 - -	- - -	petitioned under 1 Vict. c. 10.	- -	-- Sent to the penitentiary, Kingston, for 3 years, and then to be banished from the Province for life.
160	Townsend Wixon -	-	15 - -	20 May 1838	-	- -	-- Pardoned, on finding security to keep the peace, and be of good behaviour for 3 years.
161	Silas Bardwell -	-	15 - -	- - -	-	- -	Banished from the Province.
162	Colin Scott -	-	15 - -	- - -	-	- -	-- Sent to the penitentiary at Kingston for 3 years, and then to be banished from the Province for life.
163	John Gibson -	-	15 - -	31 July 1838	-	- -	Pardoned, on finding security to keep the peace, and be of good behaviour for 3 years.
164	Hasel H. Scott -	-	15 - -	13 - -	-	- -	
165	Hiram Matthews -	-	15 - -	16 May -	-	- -	
166	Russel Baker -	-	15 - -	22 - -	-	- -	
167	John Prout -	-	15 - -	12 - -	-	- -	
168	Charles Crocker -	-	15 - -	12 - -	-	- -	-- Sentenced to transportation, but escaped from Fort Henry, Kingston.
169	Gilbert F. Morden	shoemaker	15 - -	- - -	special oyer and terminer.	guilty -	
170	James M'Queen -	labourer -	15 - -	17 Dec. 1837	not tried -	- -	-- Discharged by commission, after examination.
171	Michael Sheppard -	yeoman -	15 - -	- - -	petitioned under 1 Vict. c. 10.	- -	Sentenced to transportation, but escaped from Fort Henry, Kingston.
172	Thomas Sheppard -	-	15 - -	- - -	-	- -	
173	Robert Walker -	blacksmith	15 - -	- - -	-	- -	-- Transportation for life to Van Diemen's Land.
174	Joseph Clarkson -	labourer -	15 - -	23 Dec. 1837	not tried -	- -	Discharged by commission, after examination.
175	Arthur Squires -	-	15 - -	23 - -	-	- -	

ON CHARGES OF INSURRECTION OR TREASON.

7

No	N A M E.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether Tried by CourtMartial or Civil Court.	Result of the Trial.	Remarks, Final Sentence, &c.
176	John M'Dougall -	labourer -	15 Dec. 1837	17 Ap. 1838	specialoyer and terminer.	acquitted.	
177	Peter Rush -	—	16 - -	21 Dec. 1837	not tried -	- -	Discharged by commission, after examination.
178	William Wilson -	—	16 - -	23 - -	—	- -	
179	Jacob Kirty -	—	16 - -	19 - -	—	- -	
180	Adam Rupert -	—	16 - -	21 - -	—	- -	
181	Adam Scott -	—	15 - -	10 Jan. 1838	—	- -	
182	William Stockdale	—	16 - -	- - -	petitioned under 1 Vict. c. 10.	- -	-- Sentenced to transpor- tation; escaped from Fort Henry, Kingston, but re- taken, and not yet removed out of the country.
183	George Bolton -	—	16 - -	23 Dec. 1837	not tried -	- -	Discharged by commis- sion, after examination.
184	John Mitchell -	—	16 - -	23 - -	—	- -	
185	James Harman -	—	16 - -	23 - -	—	- -	-- Transportation for life to Van Diemen's Land.
186	John G. Parker -	—	5 - -	- - -	petitioned under 1 Vict. c. 10.	- -	
187	Samuel Watford -	—	13 - -	17 Dec. 1837	not tried -	- -	Discharged by commission, after examination.
188	Adam Baird -	—	17 - -	21 - -	—	- -	
189	Asa Wixon -	—	17 - -	- - -	petitioned under 1 Vict. c. 10.	- -	Banished from the Province.
190	Charles Low -	—	17 - -	13 July 1838	—	- -	Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
191	Solomon Sly -	—	17 - -	Oct. -	—	- -	
192	Joel Wixon -	—	17 - -	- - -	—	- -	Banished from the Province.
193	John Hill -	—	17 - -	- - -	—	- -	
194	Andrew Hill -	—	17 - -	12 May 1838	—	- -	Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years. William Wilson died in the hospital.
195	William Wilson -	—	17 - -	12 Apr. -	—	- -	
196	Abraham Wilson -	—	17 - -	16 May -	—	- -	
197	Sampson Harris -	—	17 - -	27 July -	not tried -	- -	-- Admitted to bail, on his own recognizances.
198	Patrick Garry -	—	17 - -	19 Dec. 1837	—	- -	-- Discharged by commis- sion, after examination.
199	John Marr -	—	17 - -	- - -	petitioned under 1 Vict. c. 10.	- -	-- Ordered for transpor- tation, but escaped from Fort Henry, Kingston.
200	Thomas Wilson -	—	17 - -	17 Dec. 1837	not tried -	- -	-- Discharged by commis- sion, after examination.
201	Robert Berrie -	—	17 - -	12 May 1838	petitioned under 1 Vict. c. 10.	- -	-- Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
202	Joseph Elthorp -	yeoman -	17 - -	26 Dec. 1837	not tried -	- -	-- Discharged by commis- sion, after examination.
203	John Graham -	—	17 - -	12 May 1838	petitioned under 1 Vict. c. 10.	- -	-- Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
204	William Bently -	—	17 - -	26 Dec. 1837	not tried -	- -	Discharged by commission, after examination.
205	George S. Yeomens -	—	17 - -	26 - -	—	- -	
206	William Graham -	labourer	17 - -	26 - -	—	- -	
207	Nelson Flanagan -	—	17 - -	26 - -	—	- -	
208	J. Matthews -	—	17 - -	16 May 1838	petitioned under 1 Vict. c. 10.	- -	Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
209	Henry Weaver -	—	17 - -	20 - -	—	- -	-- To be confined in peni- tentiary, Kingston, for 3 years, and then banished from the Province for life.
210	George Barclay -	yeoman -	17 - -	- - -	—	- -	
211	Thomas Gray -	—	17 - -	21 Dec. 1837	not tried -	- -	-- Discharged by commis- sion, after examination.
212	Wilson Read -	tanner -	17 - -	- - -	petitioned under 1 Vict. c. 10.	- -	-- Ordered for transpor- tation, but escaped from Fort Henry, Kingston.
213	John Read -	—	17 - -	- - -	—	- -	-- Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
214	Wesley Duncan -	labourer -	17 - -	21 Dec. 1837	not tried -	- -	-- Discharged by commis- sion, after examination.
215	John M'Lafferty -	artist -	17 - -	22 May 1838	—	- -	-- Admitted to bail, on his own recognizances.
216	John Devins -	yeoman -	17 - -	- - -	petitioned under 1 Vict. c. 10.	- -	Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
217	Thomas Watts -	—	17 - -	- - -	—	- -	

(continued)

No.	N A M E.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether Tried by Court Martial or Civil Court.	Result of the Trial.	Remarks, Final Sentence, &c.
218	William Read, jun.	yeoman -	16 Dec.1837	12 May1838	petitioned under 1 Vict. c. 10.	- -	} Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
219	Thomas Wilson -	—	16 - -	12 - -	—	- -	
220	George Fletcher -	—	18 - -	12 - -	—	- -	
221	William Carney -	labourer -	18 - -	23 Dec.1837	not tried -	- -	-- Discharged by commis- sion, after examination.
222	Nelson Carver -	—	18 -	18 May1838	petitioned under 1 Vict. c 10.	- -	-- Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
223	Joseph Noble -	—	18 - -	26 Dec.1837	not tried -	- -	-- Discharged by commis- sion, after examination.
224	Charles Doan -	—	18 - -	10 May1838	petitioned under 1 Vict. c. 10.	- -	-- Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
225	Randal Wixon -	yeoman -	18 - -	- - -	—	- -	-- Transportation to Van Diemen's Land for 14 years.
226	William Hill -	tanner -	19 - -	12 - -	—	- -	} Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
227	Eli Irwin -	yeoman -	19 - -	12 - -	—	- -	
228	Francis Robbins -	—	19 - -	- - -	—	- -	-- To be confined in the pe- nitentiary for 3 years, and then banished from the Pro- vince for life.
229	Jesse Doan -	—	19 - -	- - -	—	- -	-- Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
230	Dougal Campbell -	—	17 - -	21 Dec.1837	not tried -	- -	} Discharged by commis- sion, after examination.
231	Donald Campbell -	—	17 - -	21 - -	—	- -	
232	John Campbell -	—	17 - -	21 - -	—	- -	-- Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
233	Adam Graham -	—	20 - -	12 May1838	petitioned under 1 Vict. c. 10.	- -	
234	Luther Elton -	tailor -	20 - -	- - -	—	- -	} To be confined in the pe- nitentiary for 3 years, and then banished from the Pro- vince for life.
235	Joseph Watson -	carpenter -	20 - -	- - -	—	- -	
236	Andrew Rowand -	labourer -	20 - -	13 July1838	—	- -	} Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
237	Joseph Brammer -	—	20 - -	12 May -	—	- -	
238	Francis M'Donald -	—	21 - -	24 Dec.1837	not tried -	- -	-- Discharged by commis- sion, after examination.
239	W. J. Comfort -	yeoman -	21 - -	4 Apr.1838	petitioned under 1 Vict. c. 10.	- -	-- Discharged, on his own recognizances.
240	Jacob Lane -	—	21 - -	27 Dec.1837	not tried -	- -	-- Discharged by commis- sion, after examination.
241	M. P. Empey -	merchant -	22 - -	17 Feb.1838	petitioned under 1 Vict. c. 10.	- -	-- Discharged, on his own recognizances.
242	Gerard Irwin -	shoemaker	22 - -	12 May -	—	- -	} Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
243	William Doan -	labourer -	22 - -	11 - -	—	- -	
244	Thomas Thompson	—	22 - -	27 Dec.1837	not tried -	- -	} Discharged by commis- sion, after examination.
245	Henry Styles -	—	22 - -	29 - -	—	- -	
246	Elisha Mitchell -	—	22 - -	27 - -	—	- -	
247	Ebenezer Moore -	—	22 - -	27 - -	—	- -	
248	Webster Stevens -	—	23 - -	29 - -	—	- -	
249	John Gillingham -	—	23 - -	Aug.1838	petitioned under 1 Vict. c. 10.	- -	-- Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
250	John M'Cormack -	physician -	23 - -	- - -	—	- -	-- Transportation to Van Diemen's Land for 7 years.
251	Ira Anderson -	blacksmith	9 - -	- - -	—	- -	-- Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
252	Jacob Lamoureaux	labourer -	21 - -	12 May -	—	- -	} Discharged by commis- sion, after examination. Parker again arrested on 30th Dec., and discharged on the 14th April 1838, and the bill ignored by grand jury.
253	G. G. Parker -	—	16 - -	21 Dec.1837	not tried -	- -	
254	James Long -	—	23 - -	27 - -	—	- -	
255	William Curtis -	—	23 - -	29 July 1838	—	- -	-- Discharged, on his own recognizances.

ON CHARGES OF INSURRECTION OR TREASON.

9

No.	N A M E.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether Tried by Court Martial or Civil Court.	Result of the Trial.	Remarks, Final Sentence, &c.
256	Archibald Molloy -	labourer -	24 Dec. 1837	29 Dec. 1837	not tried -	- -	-- Discharged by commis- sion, after examination.
257	Arthur Kelly -	—	25 - -	12 May 1838	petitioned under 1 Vict. c. 10.	- -	} Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
258	James Keene -	—	25 - -	13 July -	—	- -	
259	Joseph M'Grath -	—	25 - -	12 May -	—	- -	
260	Thomas Sly -	—	25 - -	16 - -	—	- -	
261	Thomas D. Morrison	physician -	26 - -	June -	special oyer & terminer.	acquitted.	
262	Charles Durand -	attorney -	19 - -	- - -	—	guilty -	-- Sentence of death com- muted to banishment from the Province.
263	James Lesslie -	bookseller	19 - -	19 Dec. 1837	not tried -	- -	} Discharged by commis- sion, after examination.
264	— Lesslie -	—	19 - -	19 - -	—	- -	
265	John Doel -	brewer -	19 - -	19 - -	—	- -	
266	Robert Johnson -	labourer -	26 - -	9 Feb. 1838	—	- -	-- Transportation for 7 years to Van Diemen's Land.
267	James Brown -	—	26 - -	- - -	petitioned under 1 Vict. c. 10.	- -	
268	Asher Wilson -	—	26 - -	20 Apr. -	not tried -	- -	-- Discharged by special commission of oyer and ter- miner.
269	Louis Terry -	—	27 - -	31 Dec. 1837	—	- -	-- Discharged by commis- sion, after examination.
270	Robert Taylor -	—	27 - -	12 May 1838	petitioned under 1 Vict. c. 10.	- -	-- Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
271	Thomas Hill -	—	27 - -	27 Feb. -	not tried -	- -	-- Sent to the hospital, and died there.
272	John Rummerfeldt	—	28 - -	- - -	petitioned under 1 Vict. c. 10.	- -	-- To be confined in the pe- nitentiary, Kingston, for 3 years, and then banished from the Province for life.
273	John P. Plank -	—	23 - -	29 Dec. 1837	not tried -	- -	-- Discharged by commis- sion, after examination.
274	William Kilburn -	—	29 - -	12 May 1838	petitioned under 1 Vict. c. 10.	- -	-- Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
275	George Wright -	—	30 - -	2 Jan. -	not tried -	- -	-- Discharged by commis- sion, after examination.
276	C. C. Scott -	—	30 - -	- - -	petitioned under 1 Vict. c. 10.	- -	-- To be confined in peni- tentiary, Kingston, for 3 years, and then banished from the Province for life.
277	Abraham Faulkner	—	30 - -	2 - -	not tried -	- -	} Discharged by commis- sion, after examination.
278	Thomas Sherrard -	—	30 - -	2 - -	—	- -	
279	Joshua Haskill -	—	30 - -	28 July -	—	- -	-- Discharged, on his own recognizances.
280	Joseph Martin -	—	30 - -	25 Jan. -	—	- -	} Discharged by commis- sion, after examination.
281	Charles Rayner -	—	30 - -	6 - -	—	- -	
282	Abraham Anderson	—	30 - -	2 - -	—	- -	
283	Joshua Wixon -	—	30 - -	2 - -	—	- -	
284	James Kane -	—	30 - -	12 May -	petitioned under 1 Vict. c. 10.	- -	-- Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
285	James Barry -	—	30 - -	2 Jan. -	not tried -	- -	-- Discharged by commis- sion, after examination.
286	John Wilkie (2d) -	blacksmith	30 - -	12 May -	petitioned under 1 Vict. c. 10.	- -	-- Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
287	Peter Grant (2d) -	labourer -	30 - -	30 Jan. -	not tried -	- -	-- Sent to hospital, and died there.
288	Burton Attwell -	—	30 - -	4 - -	—	- -	-- Discharged by commis- sion, after examination.
289	John P. Cherry -	teacher -	30 - -	14 Apr. -	—	- -	-- Bill ignored; discharged by the court.
290	John Plank -	labourer -	29 - -	2 Jan. -	—	- -	} Discharged by commis- sion, after examination.
291	R. S. Smith -	—	10 - -	2 - -	—	- -	
292	Lazarus Ellis -	—	13 - -	2 - -	—	- -	
293	Jonathan Doan -	—	22 - -	28 - -	—	- -	-- Discharged, on his own recognizances.
294	Lucius C. Thomas -	—	2 Jan. 1838	4 - -	—	- -	} Discharged by commis- sion, after examination.
295	Eber Thomas -	—	2 - -	4 - -	—	- -	
296	Elias Crery -	—	2 - -	4 - -	—	- -	
297	Royal Hopkins -	—	2 - -	4 - -	—	- -	
298	Timothy Doyle -	—	5 - -	11 - -	—	- -	
299	Alexander Cluny -	—	5 - -	7 - -	—	- -	
300	D. Hutchinson -	—	6 - -	3 Feb. -	—	- -	

(continued)

No.	N A M E.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether Tried by Court Martial or Civil Court.	Result of the Trial.	Remarks, Final Sentence, &c.
301	Michael Corrigan -	labourer -	6 Jan. 1838	12 May 1838	petitioned under 1 Vict. c. 10.	- -	- Pardoned, on finding security to keep the peace, and be of good behaviour for 3 years.
302	John Haling -	—	6 - -	- - -	—	- -	-- Banished from the Province.
303	John Doyle -	—	6 - -	11 Jan. -	not tried -	- -	} Discharged by commission, after examination.
304	John M'Anany -	—	6 - -	11 - -	—	- -	
305	James M'Guire -	—	6 - -	12 May -	petitioned under 1 Vict. c. 10.	- -	
306	James Parker -	—	6 - -	25 Feb. -	not tried -	- -	-- Discharged by commission, after examination.
307	Donald Cameron -	—	11 - -	10 May -	special oyer and terminer.	acquitted.	
308	Ewen Cameron -	—	11 - -	12 Jan. -	not tried -	- -	} Discharged by commission, after examination.
309	John Cameron -	—	11 - -	12 - -	—	- -	
310	Duncan M'Nab -	—	11 - -	14 - -	—	- -	
311	Charles Axtell -	—	11 - -	14 - -	—	- -	
312	J. F. Farley -	—	13 - -	16 - -	—	- -	
313	Gilbert Decker -	—	13 - -	30 - -	—	- -	Admitted to bail.
314	Thomas Elliott -	innkeeper	7 - -	15 - -	—	- -	} Admitted to bail. First confined in Hamilton, Gore District, 23d December 1837.
315	William Carroll -	yeoman -	7 - -	15 - -	—	- -	
316	James M'Donald -	labourer -	13 - -	16 - -	—	- -	} Discharged by commission, after examination.
317	Isaac Moins -	—	13 - -	16 - -	—	- -	
318	John Houck -	—	13 - -	16 - -	—	- -	
319	Matthew Hayes -	—	18 - -	25 July -	—	- -	-- Discharged, on his own recognizances.
320	Samuel Lount -	blacksmith	18 - -	- - -	special oyer and terminer.	guilty -	Executed 12th April 1838.
321	James Murray -	labourer -	15 - -	18 May -	not tried -	- -	} Discharged by commission, after examination.
322	Martin Smith -	—	16 - -	27 Feb. -	—	- -	
323	Henry M'Garry -	—	18 - -	20 Apr. -	special oyer and terminer.	acquitted.	
324	James Edmonstone	—	21 - -	24 Jan. -	not tried -	- -	-- Discharged on his own recognizances.
325	William Brewer -	—	21 - -	22 - -	—	- -	} Discharged by the mayor of Toronto.
326	Terence Fergusson	—	21 - -	22 - -	—	- -	
327	Peter M'Conville -	—	23 - -	26 - -	—	- -	
328	John Hawkes -	—	23 - -	26 - -	—	- -	
329	John Kline -	—	24 - -	29 Mar. -	—	- -	
330	Michael Flood -	—	24 - -	27 Jan. -	—	- -	
331	William Irwin -	—	24 - -	27 - -	—	- -	
332	James M'Isaac -	—	24 - -	30 - -	—	- -	} Discharged by commission, after examination.
333	Dennis Leahy -	—	24 - -	30 - -	—	- -	
334	Dennis O'Connor -	—	24 - -	28 - -	—	- -	
335	John Condon -	—	24 - -	30 - -	—	- -	
336	John Keane -	—	24 - -	30 - -	—	- -	
337	Patrick Condon -	—	24 - -	27 - -	—	- -	
338	John O'Brien -	—	24 - -	30 - -	—	- -	
339	James Keane -	—	24 - -	30 - -	—	- -	
340	Jeremiah C. Chapin	—	25 - -	20 Apr. -	—	- -	-- No bill; discharged by the court.
341	William Shaw -	—	26 - -	30 Jan. -	—	- -	} Discharged by commission, after examination.
342	Ewen Cameron -	—	29 - -	10 May -	—	- -	
343	Edward A. Theller	surgeon -		- - -	special oyer and terminer.	guilty -	- Sentenced to death. Committed to transportation for life. Escaped from Cape Diamond, Quebec.
344	Stephen B. Brophy	civil engineer		- - -	petitioned under 1 Vict. c. 10.	- -	-- Ordered for transportation, but escaped from Fort Henry, Kingston.
345	Claude Campeau -	yeoman -	Taken in the schooner Anne, in Jan. 1838, at Amherst- burgh.	30 - -	—	- -	} Pardoned by the Lieut.-governor, and sent back to the United States.
346	Aug. D. Berdeneau	mariner -		30 - -	—	- -	
347	Francis St. Augustin	labourer -		30 - -	—	- -	} Pardoned by the Lieut.-governor, and sent back to the States.
348	Henry Johnston -	—		30 - -	—	- -	
349	Abram W. Partridge	—		- - -	—	- -	} Sent to Kingston, and still in custody.
350	Theron Culver -	painter -		- - -	—	- -	
351	Louis Lenoux -	labourer -		30 - -	not tried -	- -	} Pardoned by the Lieut.-governor, and sent back to the United States.
352	Francis Clutier -	—		30 - -	—	- -	
353	Benjamin F. Pew -	—		- - -	—	- -	} Sent to Quebec, and still in custody.
354	Henry L. Hull -	—		- - -	—	- -	
355	George Davis -	—		30 - -	—	- -	-- Pardoned by the Lieut.-governor, and sent back to the United States.

ON CHARGES OF INSURRECTION OR TREASON.

11

No.	N A M E.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether Tried by Court Martial or Civil Court.	Result of the Trial.	Remarks, Final Sentence, &c.
356	Walter Chase	labourer	Taken in the schooner Anne, in Jan. 1838, at Am- herst- burgh.	- - -	petitioned under 1 Vict. c. 10.	- -	-- Ordered for transporta- tion, but escaped from Fort Henry, Kingston.
357	Squire Thayer	—		- - -	not tried	- -	} Sent to Quebec, and still in custody.
358	Nathaniel Smith	—		- - -	—	- -	
359	W. W. Dodge	merchant		- - -	petitioned under 1 Vict. c. 10.	- -	-- Sent to Quebec, and es- caped from thence.
360	Chancey Parker	labourer	30 Jan. 1838	- - -	—	- -	-- Sent to Quebec, and still in custody.
361	William Ketchum	tanner	7 Feb. -	8 Feb. 1838	not tried	- -	-- Admitted to bail. Ab- sconded, but subsequently pardoned.
362	Aaron Freele	labourer	2 - -	16 May -	petitioned under 1 Vict. c. 10.	- -	-- Discharged, on finding se- curity to keep the peace, and be of good behaviour for 3 years.
363	Thomas Tracey	—	4 - -	- - -	—	- -	-- Ordered for transporta- tion, but escaped from Fort Henry, Kingston.
364	Chancey Hawley	—	10 - -	15 Feb. -	not tried	- -	Discharged on bail.
365	John Robinson	—	21 - -	- - -	petitioned under 1 Vict. c. 10.	- -	-- To be confined in the pe- nitentiary, Kingston, for 3 years, and then banished from the Province for life.
366	Edward Keays	—	24 Jan. -	22 May -	not tried	- -	Discharged on bail.
367	Simon Servos	—	24 - -	27 July -	—	- -	-- Discharged, on his own recognizance.
368	Joseph Wixon	—	27 Feb. -	12 May -	—	- -	-- Bill ignored by the grand jury.
369	R. A. Parker	merchant	24 - -	16 Apr. -	—	- -	} Discharged on bail.
370	Joseph Earl	labourer	28 - -	5 - -	petitioned under 1 Vict. c. 10.	- -	
371	Francis Clarkson	—	1 Mar. -	14 May -	—	- -	} -- Discharged by commis- sion, on bail, after examina- tion.
372	Hugh Carmichael	merchant	4 - -	24 Apr. -	not tried	- -	
373	Jesse Clever	labourer	5 - -	- - -	petitioned under 1 Vict. c. 10.	- -	-- Banished from the Pro- vince.
374	William Delaney	—	5 - -	5 Mar. -	—	- -	} Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
375	Titus Root	—	8 - -	3 May -	—	- -	
376	Daniel Schell	—	8 - -	Oct. -	—	- -	} -- To be confined in the pe- nitentiary for 3 years, and then banished from the Pro- vince for life.
377	John D. Staples	—	12 - -	- - -	—	- -	
378	John Cane	—	15 - -	25 Mar. -	not tried	- -	} Discharged by commis- sion, after examination.
379	James Cane	—	15 - -	25 - -	—	- -	
380	Robert Wilson	—	15 - -	25 - -	—	- -	} -- Pardoned, on finding se- curity to keep the peace, and be of good behaviour for 3 years.
381	James Squires	—	15 - -	25 - -	—	- -	
382	Timothy Munro	—	15 - -	12 May -	petitioned under 1 Vict. c. 10.	- -	-- Discharged by court. Bill ignored.
383	William Heron	—	17 - -	20 Apr. -	not tried	- -	} Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
384	William Carney	—	19 - -	12 May -	petitioned under 1 Vict. c. 10.	- -	
385	Peter Milne	yeoman	21 - -	Oct. -	—	- -	-- Ordered for transporta- tion, but escaped from Fort Henry, Kingston. First confined in Gore District 25th January.
386	Edward Kennedy	labourer	23 - -	- - -	—	- -	-- Discharged by the court. Bill ignored.
387	John Hill (2d)	—	23 - -	20 Apr. -	not tried	- -	} Pardoned, on finding se- curity to keep the peace, and be of good behaviour for 3 years.
388	Bartholomew Plank	—	24 - -	12 May -	petitioned under 1 Vict. c. 10.	- -	
389	William Wilson	—	24 Feb. -	12 - -	not tried	- -	} Pardoned, on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
390	James Yule	—	25 - -	18 - -	—	- -	
391	Ira White	—	2 Apr. -	3 - -	—	- -	-- Discharged by commis- sion, after examination.
392	Zachariah Dent	tailor	20 Dec. 1837	16 - -	petitioned under 1 Vict. c. 10.	- -	-- Pardoned, on finding se- curity to keep the peace, and be of good behaviour for 3 years.

(continued)

No.	N A M E.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether Tried by CourtMartial or Civil Court.	Result of the Trial.	Remarks, Final Sentence, &c.
393	James Leland -	labourer -	14 Apr. 1838	18 May 1838	not tried -	- -	Discharged on bail.
394	John Randal -	-	14 - -	4 - -	-	- -	-- Discharged by commis- sion, after examination.
395	Michael M'Farlane -	-	14 - -	17 - -	-	- -	} Discharged on bail.
396	James Howie -	-	14 - -	18 - -	-	- -	
397	Sylvanus Spencer -	-	-	30 - -	-	- -	
398	Thos. J. Sutherland, (Genl.)	attorney -	Taken by Colonel Prince on the ice, in the Western District, in Feb. 1838. First arrested in Dec. 1837 in the Lon- don District, and sent down to the Home District gaol for trial, in June 1838.	- -	court-martial	guilty -	-- Pardoned by the Lieut.- governor, and sent back to the United States. -- Transportation for life. Free pardon afterwards granted, on condition of finding security, &c., which not being forthcoming, he is in custody at Quebec.
399	Edward Carmon -	yeoman -		- -	petitioned under 1 Vict. c. 10.	- -	-- To be confined in the penitentiary for 3 years, and then banished from the Province for life.
400	Horatio Fowler -	-		Oct. 1838	-	- -	-- Pardoned, on finding se- curity to keep the peace for 3 years, and be of good be- haviour.
401	Finlay Malcolm -	-		- -	-	- -	-- Transportation to Van Diemen's Land for 14 years.
402	Joseph Hart -	-		Oct. 1838	-	- -	} Pardoned, on finding se- curity to keep the peace, & be of good behaviour for 3 years.
403	James Bell -	-		- -	-	- -	
404	John Arthur Tidy -	-		- -	-	- -	
405	John Kelly -	-		25 July -	-	- -	-- Transportation for life to Van Diemen's Land.
406	Paul Bedford -	-		- -	-	- -	} Sentenced to death, but pardoned on finding secu- rity to keep the peace, and be of good behaviour for 3 years.
407	Harvey Bryant -	-		Oct. 1838	special oyer and terminer.	guilty -	
408	Enoch Moore -	-	- -	- -	-	-	Still in custody.
409	Philip Jackson -	labourer -	Taken prisoners at Point Au Pelée, in the Western District in Feb. 1838. 28 June 1838	- -	- -	- -	} Not tried; still in custody.
410	Diogenes M'Kenzie -	-		- -	- -	- -	
411	Benjamin Warner -	-		- -	- -	- -	
412	Philip Brady -	-		- -	- -	- -	
413	Isaac Myers -	-		- -	- -	- -	
414	William M'Carrick -	-		- -	- -	- -	
415	Samuel Woods -	-		- -	- -	- -	
416	James Mace -	-		- -	- -	- -	
417	John M'Intyre -	-		- -	- -	- -	
418	William Bell -	-		10 July 1838	not tried -	- -	} Discharged by commis- sion, after examination.
419	John M'Leod -	-	28 - -	7 Aug. -	-	- -	
420	Ebenezer Wilcox -	-	First ar- rested in London District in Dec. 1837.	Oct. -	special oyer and terminer.	guilty -	} Pardoned on finding se- curity to keep the peace, & be of good behaviour for 3 years.
421	Robert Cook -	yeoman -		- -	-	-	
422	Alvaro Ladd -	-	-	- -	-	-	
<i>Niagara District :</i>							
1	Ira Smith -	gunsmith -	18 Dec. 1837	1 Jan. 1838	not tried -	- -	} Discharged on bail for good behaviour.
2	Thomas Higgins -	wheelwright	18 - -	10 - -	-	- -	
3	Fisher Hanagan -	labourer	19 - -	10 - -	-	- -	
4	William Law -	printer -	26 - -	2 Feb. -	-	- -	
5	Samuel Chandler -	wagon maker	25 June 1838	- -	civil court	guilty -	} Prisoners taken at the Short Hills, having invaded the Province from the Uni- ted States; sentence of death commuted to trans- portation for life.
6	Norman Mallory -	labourer -	25 - -	- -	-	-	
7	James Waggoner -	farmer -	25 - -	- -	-	-	
8	Benjamin Waite -	clerk -	25 - -	- -	-	-	
9	Solomon Camp -	shoemaker	25 - -	Aug. 1838	-	acquitted.	} -- Short Hill prisoner, as above; sentence of death commuted to transportation for life.
10	John Grant -	wheelwright	25 - -	- -	-	guilty -	
11	Edward Seymour -	labourer -	25 - -	Aug. 1838	-	acquitted.	} Short Hill prisoners, as above; sentence of death commuted to transportation for life. -- Short Hill prisoner, as above; to be confined in the penitentiary, Kingston, for 3 years. -- Bill ignored by grand jury; discharged on bail.
12	John J. M'Nulty -	carpenter -	25 - -	- -	-	guilty -	
13	Garret Van Camp -	labourer -	25 - -	- -	-	-	
14	James Gammell -	-	26 - -	- -	-	-	
15	Murdoch M'Fadden -	-	26 - -	- -	-	-	} -- Bill ignored by grand jury; discharged on bail.
16	Robert Kelly -	blacksmith	26 - -	23 July 1838	not tried -	- -	
17	Freeman Brady -	farmer -	26 - -	Aug. -	civil court	acquitted.	
18	Loran Hedger -	blacksmith	26 - -	23 July	not tried -	- -	
19	Street Chace -	wagon maker	26 - -	Aug. -	civil court	acquitted.	

ON CHARGES OF INSURRECTION OR TREASON.

13

No.	N A M E.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether Tried by Court Martial or Civil Court.	Result of the Trial.	Remarks, Final Sentence, &c.
20	Abraham Clarke -	blacksmith	27 June 1838	23 July 1838	not tried -	- -	-- Bill ignored by grand jury; discharged on bail.
21	Eber Rice -	innkeeper -	27 - -	Aug. - -	civil court	acquitted.	Executed 30th July 1838. Prisoners taken at the Short Hills, having invaded the Province from the United States. Sentence of death commuted to transportation for life. (Taylor dead.)
22	James Morrow -	tanner -	27 - -	- - -	—	guilty -	
23	David Taylor -	farmer -	27 - -	- - -	—	—	
24	George Cooley -	—	27 - -	- - -	—	—	
25	William Reynolds -	saddler -	27 - -	- - -	—	—	-- Short Hill prisoner, as above. Sentence of death commuted to confinement in penitentiary for 3 years.
26	George Buck -	farmer -	27 - -	- - -	—	—	Ditto - ditto - commuted to transportation for life.
27	Linus Wilson Miller	law student	27 - -	- - -	—	—	
28	Alexander M'Leod	farmer -	28 - -	- - -	—	—	-- Transportation to Van Diemen's Land for 14 years.
29	Alexander Brady -	—	30 - -	Aug. 1838	—	acquitted.	
30	Erastus Warner -	—	7 July -	- - -	—	guilty -	-- Bills ignored by grand jury.
31	Stephen Hart -	labourer -	7 - -	Aug. 1838	not tried -	- -	-- To be confined in the penitentiary, Kingston, for 3 years.
32	James Doan -	milller -	17 - -	- - -	—	- -	
33	William Whitson -	tailor -	17 - -	4 - -	civil court	acquitted.	-- Short Hill prisoner. Sentence of death commuted to transportation for life.
34	John W. Brown -	labourer -	17 - -	- - -	—	guilty -	
35	John Vernon -	carpenter -	17 - -	- - -	—	—	-- Discharged on bail for good behaviour.
36	William Yerks -	—	17 - -	3 Aug. 1838	—	acquitted.	-- Discharged on bail for good behaviour.
37	Samuel D. Haslip -	shoemaker	17 - -	3 - -	—	—	
38	Charles Malcolm -	labourer -	17 - -	21 July -	not tried -	- -	-- Discharged on bail for good behaviour.
39	George Malcolm -	—	17 - -	21 - -	—	- -	
40	Neal Brown -	—	17 - -	21 - -	—	- -	-- Discharged on bail for good behaviour.
41	Clarke Bowers -	blacksmith	17 - -	Aug. - -	civil court	acquitted.	
42	Duncan Willson -	labourer -	20 July -	- - -	not tried -	- -	-- Discharged on bail for good behaviour.
43	Jacob R. Beamer -	carpenter -	28 - -	- - -	civil court	guilty -	-- Short Hill prisoner. Sentence of death commuted to transportation for life.
<i>Gore District:</i>							
1	Robert Armstrong -	blacksmith	12 Dec. 1837	March 1838	not tried -	- -	- Bill ignored by the grand jury.
2	Philip Henry -	yeoman -	13 - -	Oct. -	petitioned under 1 Vict. c. 10.	- -	Pardoned, on finding security to keep the peace, and be of good behaviour for 3 years.
3	Henry Winegarden	—	15 - -	6 June -	—	- -	
4	Robert Elliott -	tanner -	15 - -	15 Mar. -	—	- -	No bill found.
5	William Stants -	yeoman -	15 - -	15 - -	not tried -	- -	
6	Abraham Vanduzen	medical quack.	15 - -	20 - -	—	- -	-- Sentenced to death. Pardoned, on finding security to keep the peace, &c. for 3 years.
7	John Tulford -	yeoman -	15 - -	Oct. -	civil court	guilty -	
8	Joseph Smith -	—	15 - -	21 Mar. -	not tried -	- -	No bill found.
9	Peter Coon -	blacksmith	15 - -	21 - -	—	- -	
10	John Whalen -	labourer -	15 - -	20 - -	—	- -	-- Sentence of death commuted to transportation for life. Escaped from gaol.
11	Alonzo Foster -	—	15 - -	20 - -	—	- -	
12	John Heap -	—	15 - -	20 - -	—	- -	-- Admitted to bail, to keep the peace for 1 year.
13	John L. Uline -	tanner -	15 - -	21 - -	civil court	acquitted.	
14	Charles P. Walrath	labourer -	15 - -	- - -	—	guilty -	No bill found.
15	Isaac Edmunds -	miner -	16 - -	15 Mar. 1838	not tried -	- -	
16	Peter Ladon -	labourer -	16 - -	15 - -	—	- -	No bill found.
17	John Jacklin -	cordwainer	16 - -	15 - -	—	- -	
18	James Johnson -	labourer -	16 - -	15 - -	—	- -	-- Admitted to bail, to keep the peace for 1 year.
19	John Johnson -	cordwainer	16 - -	2 Apr. -	—	- -	
20	Albus Connor -	labourer -	16 - -	15 Mar. -	—	- -	No bill found.
21	Charles M'Intosh -	—	16 - -	15 - -	—	- -	
22	Oliver Edmonds -	yeoman -	16 - -	15 - -	—	- -	-- Pardoned, on finding security to keep the peace, &c., for 3 years.
23	Joseph Beemer -	—	16 - -	20 - -	—	- -	
24	Henry Goff -	teacher -	16 - -	20 - -	—	- -	No bill found.
25	Jonathan Bishop	labourer -	16 - -	17 Feb. -	—	- -	
26	James Benham -	yeoman -	16 - -	28 Mar. -	civil court	acquitted.	-- Pardoned, on finding security to keep the peace, &c., for 3 years.
27	James Peters -	—	16 - -	28 - -	—	—	
28	James Butchart -	—	16 - -	28 - -	—	—	No bill found.
29	Lyman Chapin -	—	16 - -	6 June -	petitioned under 1 Vict. c. 10.	- -	

No.	N A M E.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether Tried by Court Martial or Civil Court.	Result of the Trial.	Remarks, Final Sentence, &c.
30	Dudley Newton	yeoman	17 Dec. 1837	15 Mar. 1838	not tried	- -	No bill found.
31	Malcolm Brown	—	17 - -	6 June -	petitioned under 1 Vict. c. 10.	- -	-- Pardoned, on finding security to keep the peace, &c., for 3 years.
32	Thomas Balls	labourer	17 - -	15 Mar. -	not tried	- -	No bill found.
33	Adam Winegarden	yeoman	17 - -	6 June -	petitioned under 1 Vict. c. 10.	- -	-- Pardoned, on finding security to keep the peace, &c., for 3 years.
34	Horatio A. Hills	labourer	17 - -	- - -	civil court	guilty	-- Sentence of death, commuted to transportation for life, but died in gaol.
35	William Webb	yeoman	17 - -	Oct. 1838	—	—	-- Pardoned, on finding security to keep the peace, &c. for 3 years.
36	Willard Sherman	—	17 - -	28 Mar. -	—	acquitted.	
37	John Sherman	—	17 - -	18 Dec. -	not tried	- -	Discharged by the magistrates.
38	Asahel Davis	—	17 - -	24 - -	—	- -	
39	Gilbert Davis	—	17 - -	24 - -	—	- -	
40	William Lyons*	—	21 - -	30 Mar. -	civil court	acquitted.	
41	William Winegarden	—	21 - -	6 June -	not tried	- -	Pardoned, on finding security to keep the peace, &c., for 3 years.
42	Lord Wellington Winegarden.	—	21 - -	6 - -	—	- -	
43	William Thompson*	blacksmith	21 - -	October -	petitioned under 1 Vict. c. 10.	- -	
44	Charles Chapin*	yeoman	21 - -	- - -	—	- -	
45	John Austin*	—	23 - -	21 Jan. -	not tried	- -	Discharged on bail.
46	Oliver Smith	medical quack.	23 - -	30 Mar. -	civil court	acquitted.	
47	John Van Norman	innkeeper	23 - -	20 Feb. -	not tried	- -	-- Discharged on bail, and absconded.
48	John Malcolm*	yeoman	23 - -	10 Mar. -	—	- -	Bill ignored.
49	Isaac B. Malcolm	—	23 - -	6 June -	petitioned under 1 Vict. c. 10.	- -	-- Pardoned, on finding security to keep the peace, &c., for 3 years.
50	Finlay Malcolm*	late member Provincial Parliament.	23 - -	31 Mar. -	civil court	acquitted.	
51	Norman Malcolm*	son to above	23 - -	31 - -	—	—	
52	Solomon Lossing	magistrate	23 - -	3 Apr. -	—	—	
53	Ephraim Cook	physician	23 - -	- - -	—	guilty	-- Banished from the Province for life.
54	Elias Snider*	yeoman	23 - -	Oct. -	—	—	-- Pardoned, on finding security to keep the peace, &c., for 3 years.
55	Garry V. Delong	—	23 - -	4 Feb. -	not tried	- -	-- Discharged on bail, and absconded.
56	Adam Yeigh*	—	23 - -	31 Mar. -	civil court	acquitted.	
57	Nathan Town	unlicensed doctor.	24 - -	October -	—	—	-- Pardoned, on finding security to keep the peace, &c., for 3 years.
58	Robert Alway	M. P. P.	25 - -	28 Mar. -	not tried	- -	Discharged on bail.
59	Michael Showers*	yeoman	2 Jan. 1838	17 - -	—	- -	Bill ignored.
60	George Rouse	labourer	2 - -	31 - -	civil court	acquitted.	
61	Samuel Marlatt	yeoman	2 - -	31 - -	—	—	
62	David Ghent*	—	3 - -	3 Jan. -	not tried	- -	Discharged on bail.
63	John Tyler	hatter	3 - -	5 - -	—	- -	Discharged by the magistrates.
64	Thomas Sirpell	labourer	3 - -	6 Feb. -	—	- -	
65	George Roberts	—	3 - -	6 - -	petitioned under 1 Vict. c. 10.	- -	-- Pardoned, on finding security to keep the peace, &c., for 3 years.
66	Andrew Miller	land surveyor	3 - -	8 Mar. -	not tried	- -	Bill ignored.
67	Joshua Lind	—	3 - -	8 - -	—	- -	
68	Jacob Emery	labourer	3 - -	15 - -	—	- -	
69	Charles Hammond	—	3 - -	15 - -	—	- -	
70	Silvanus F. Wrigley	—	25 - -	31 - -	—	- -	Discharged on bail.
71	James Dace	—	25 - -	15 Feb. -	—	- -	
72	Aaron Glover*	yeoman	25 - -	3 - -	—	- -	
73	John Hammill	carpenter	9 Mar. -	October -	civil court	guilty	
74	Duncan M'Phederain	yeoman	9 - -	6 June -	petitioned under 1 Vict. c. 10.	- -	-- Pardoned, on finding security to keep the peace, &c., for 3 years.
75	Robert Laing	—	9 - -	6 - -	—	- -	Discharged by magistrates.
76	Collins Skelly	—	14 - -	19 Mar. -	not tried	- -	
77	William Armstrong	—	16 - -	27 - -	civil court	acquitted.	
78	Calvin Lyman	—	16 - -	27 - -	—	—	
79	James Parkinson	—	16 - -	27 - -	—	—	-- Pardoned, on finding security to keep the peace, &c., for 3 years.
80	Hiram Dowling	—	16 - -	27 - -	—	—	
81	Nathaniel Deo	—	11 June -	October -	petitioned under 1 Vict. c. 10.	- -	

* Marked thus are respectable.

ON CHARGES OF INSURRECTION OR TREASON.

15

No.	N A M E.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether Tried by CourtMartial or Civil Court.	Result of the Trial.	Remarks, Final Sentence, &c.
82	Peter Malcolm*	yeoman	3 Jan. 1838	Oct. 1838	civil court	guilty	-- Pardoned, on finding security to keep the peace, &c. for 3 years.
83	John Moore*	—	11 June	—	—	—	-- Pardoned, on finding security to keep the peace, &c. for 3 years. First arrested in London District 22d Dec. 1837.
84	William Sheppard	—	25	17 July	not tried	—	-- Discharged by the magistrates.
85	Horace Lossing	magistrate's son.	8 July	—	—	—	Imprisoned subsequent to special assizes, and still in custody, waiting trial.
86	Calvin Austin	watchmaker	8	—	—	—	
87	John Fish	yeoman	8	—	—	—	
88	Jesse Matthews	millwright	8	—	—	—	
89	Edy Malcolm	labourer	23	31 July 1838	—	—	-- Discharged by the magistrates.
90	Stephen Smith	yeoman	23 Dec. 1837	Oct.	civil court	guilty	-- Pardoned, on finding security to keep the peace, &c. for 3 years.
* Marked thus are respectable.							
<i>Talbot District :</i>							
No prisoner confined in this district on a charge of insurrection or treason.							
<i>London District :</i>							
1	Cyrus M'Cartney	yeoman	15 Dec. 1837	6 Feb. 1838	not tried	—	Discharged by the magistrates.
2	James Canfield	—	15	4 Jan.	—	—	
3	Andrew Martin	—	15	4	—	—	
4	James Woods	—	15	Oct.	—	—	
5	Alexander Sumner	—	15	20 Feb.	—	—	Discharged by the magistrates.
6	Thomas Hewman	—	15	20	—	—	
7	Judson Sweet	—	15	20	—	—	
8	John O'Gorman	—	16	30 Dec. 1837	—	—	
9	Joseph Alway	—	16	13 Jan. 1838	—	—	-- Pardoned, on finding security to keep the peace, &c. for 3 years.
10	Robert Cavanagh	—	16	Oct.	petitioned under 1 Vict. c. 10.	—	
11	Cornelius M'Carty	—	16	14	not tried	—	
12	Levi Heaton	—	16	12	—	—	
13	James Waterman	—	16	16	—	—	Discharged by the magistrates.
14	James Coleman	—	16	7 June	petitioned under 1 Vict. c. 10.	—	
15	Benjamin Page	—	16	9	—	—	
16	George Lester	—	16	30 Jan.	not tried	—	
17	Charles Reeves	—	17	2	—	—	Discharged by the magistrates.
18	Jacob Esmond	—	17	2	—	—	
19	James M'Clees	—	17	26	—	—	
20	Simon B. Moses	—	17	26	—	—	
21	John B. Nichols	—	17	2	—	—	
22	Peter Phillip	—	17	4	—	—	
23	James Defields	—	17	25	—	—	
24	William Loop	—	17	23	—	—	
25	Robert Larraway	—	17	16	—	—	
26	Tracey Congdon	—	17	29 Dec. 1837	—	—	
27	Thomas Pool	—	17	12 Jan. 1838	—	—	
28	Isaac Moore	—	17	1 May	civil court	acquitted	
29	Caleb Kipp	—	17	—	petitioned under 1 Vict. c. 10.	—	
30	George Ribble	—	17	11 Jan. 1838	not tried	—	-- Banished from the Province for life.
31	Robert Traney	—	17	7 June	petitioned under 1 Vict. c. 10.	—	-- Discharged by the magistrates.
32	Henry Emigh	—	16	29 Dec. 1837	not tried	—	-- Pardoned, on finding security to keep the peace, &c. for 3 years.
33	Truman Sinclair	—	17	26 Jan. 1838	—	—	Discharged by the magistrates.
34	Robert Farr	—	17	19 Dec. 1837	—	—	
35	Dennis Cavanagh	—	17	7 June 1838	petitioned under 1 Vict. c. 10.	—	
36	John H. Carr	—	1 Jan. 1838	17 Jan.	not tried	—	
37	Sheldon Sweet	—	17 Dec. 1837	18	—	—	Discharged by the magistrates.
38	Mark Hogle	—	17	18	—	—	
39	Charles Christie	—	17	18	—	—	
40	James Oswald	—	17	18	—	—	
41	Thomas Headman	—	17	18	—	—	
42	Charles Coonrod	—	17	18	—	—	
43	John James Jolly	—	17	12	—	—	
44	John M'Carren	—	17	17	—	—	

(continued)

No.	N A M E.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether Tried by Court Martial or Civil Court.	Result of the Trial.	Remarks, Final Sentence, &c.
45	Egbert Hellaker -	yeoman	17 Dec. 1837	18 Jan. 1838	not tried -	- - -	Discharged by the magistrates. -- Pardoned, on finding security to keep the peace, &c. for 3 years.
46	Luke Hogle -	—	17 - -	13 - -	—	- - -	
47	Moses Cook -	—	17 - -	7 June -	petitioned under 1 Vict. c. 10.	- - -	
48	William Norton -	—	17 - -	26 Jan. -	not tried -	- - -	Discharged by magistrate. -- Pardoned, on finding security to keep the peace, &c. for 3 years.
49	John Medcalf -	—	18 - -	9 June -	petitioned under 1 Vict. c. 10.	- - -	
50	Josiah Woodhull -	—	18 - -	25 Dec. 1837	not tried -	- - -	Discharged by the magistrates. -- Pardoned, on finding security to keep the peace, &c. for 3 years.
51	Matthew Berry -	—	18 - -	6 Jan. 1838	—	- - -	
52	William Cheeseman	—	18 - -	9 June -	petitioned under 1 Vict. c. 10.	- - -	
53	John Legg -	—	18 - -	24 Jan. -	not tried -	- - -	Discharged on bail.
54	Moore Stephens -	—	19 - -	7 May -	civil court	acquitted.	
55	William Lymburner	—	20 - -	14 Feb. -	not tried -	- - -	Discharged by the magistrates.
56	Wm. Watterworth -	—	20 - -	22 Jan. -	—	- - -	
57	Joseph J. Lancaster	—	20 - -	6 - -	—	- - -	-- Discharged on bail, to appear as a witness.
58	David Curtis -	—	20 - -	26 - -	—	- - -	Discharged by the magistrates.
59	Andrew McLean -	—	20 - -	1 - -	—	- - -	
60	Alfred Adkins -	—	20 - -	15 - -	—	- - -	Discharged on bail.
61	Lymon Davis -	—	20 - -	15 - -	—	- - -	Absconded.
62	Solomon Sherrick -	—	20 - -	18 - -	—	- - -	Discharged on bail.
63	Nelson Leach -	—	20 - -	17 - -	petitioned under 1 Vict. c. 10.	- - -	-- Pardoned, on finding security to keep the peace, &c. for 3 years.
64	Sobeisca Brown -	—	20 - -	5 - -	not tried -	- - -	Discharged on bail.
65	William Storey -	—	20 - -	2 - -	—	- - -	-- Discharged by the magistrates.
66	Jonathan Steel -	—	20 - -	Oct. -	petitioned under 1 Vict. c. 10.	- - -	Pardoned, on finding security to keep the peace, &c. for 3 years.
67	Losee Denton -	—	20 - -	9 June -	—	- - -	
68	Joseph Moore -	—	20 - -	20 Jan. -	not tried -	- - -	Discharged by the magistrates.
69	Isaac Phillips -	—	20 - -	4 - -	—	- - -	
70	Andrew Connors -	—	20 - -	12 June -	petitioned under 1 Vict. c. 10.	- - -	-- Pardoned, on finding security to keep the peace, &c. for 3 years.
71	Lymanteus Chapel -	—	20 - -	9 Jan. -	not tried -	- - -	Discharged by the magistrates.
72	Thomas Hall -	—	20 - -	12 - -	—	- - -	
73	John Kenny -	—	20 - -	23 Dec. 1837	—	- - -	-- Discharged on bail to keep the peace, &c.
74	Enoch D. Doxie -	—	20 - -	Oct. 1838	—	- - -	
75	John Parker -	—	21 - -	6 Feb. -	—	- - -	Discharged by the magistrates.
76	Josiah Wood -	—	21 - -	3 Jan. -	—	- - -	
77	S. Smith -	—	21 - -	18 - -	—	- - -	
78	Archibald Olds -	—	21 - -	2 - -	—	- - -	
79	George Phillips -	—	21 - -	1 Feb. -	—	- - -	
80	James Nixon -	—	21 - -	4 Jan. -	—	- - -	Discharged on bail.
81	Able Cooper -	—	21 - -	18 - -	—	- - -	
82	David Willson -	—	26 - -	26 Feb. -	—	- - -	-- Discharged by the magistrates.
83	Duncan Willson -	—	30 - -	7 April -	—	- - -	Discharged on bail.
84	Elias Moore -	—	21 - -	9 - -	—	- - -	
85	Luther Hoskins -	—	21 - -	Oct. -	petitioned under 1 Vict. c. 10.	- - -	-- Pardoned, on finding security to keep the peace, &c. for 3 years.
86	Nathan Doan -	—	17 Feb. 1838	24 Feb. -	not tried -	- - -	Discharged by the magistrates.
87	Alonzo Hall -	—	20 Dec. 1837	12 Jan. -	—	- - -	
88	William Hall -	—	15 - -	2 May -	civil court	acquitted.	Discharged on bail.
89	Gideon Tiffany -	—	15 - -	7 - -	—	—	
90	William Putnam -	—	15 - -	2 - -	—	—	Discharged by order of Lieut.-governor.
91	John Stephens -	—	15 - -	7 - -	—	—	
92	James Nash -	—	15 - -	26 April -	not tried -	- - -	Discharged on bail.
93	Thomas Arker -	—	15 - -	19 June -	—	- - -	
94	Morey Whitney -	—	15 - -	1 - -	—	- - -	Discharged on bail.
95	Charles Travers -	—	16 - -	1 - -	—	- - -	
96	John Grieve -	—	20 - -	10 April -	—	- - -	-- Pardoned, on giving security to keep the peace, &c. for 3 years.
97	Descom Simons -	—	22 - -	26 - -	civil court	acquitted.	
98	Charles Lawrence -	—	19 - -	11 June -	petitioned under 1 Vict. c. 10.	- - -	-- Pardoned, on giving security to keep the peace, &c. for 3 years.
99	Anson Gould -	—	24 - -	26 April -	civil court	acquitted.	
100	Stephen Bronger -	—	26 - -	8 May -	petitioned under 1 Vict. c. 10.	- - -	-- Pardoned, on giving security to keep the peace, &c. for 3 years.
101	Joshua B. Moore -	—	25 - -	18 April -	not tried -	- - -	Discharged by proclamation; no bill.
102	John Riley -	—	30 - -	9 May -	—	- - -	
103	William Watts -	—	30 - -	9 - -	petitioned under 1 Vict. c. 10.	- - -	Died 5th May 1838.

ON CHARGES OF INSURRECTION OR TREASON.

17

No.	N A M E.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether Tried by Court Martial or Civil Court.	Result of the Trial.	Remarks, Final Sentence, &c.
104	Lewis Norton	yeoman	30 Dec. 1837	- - -	petitioned under 1 Vict. c. 10.	- - -	} Banished the Province for life.
105	James Coville	-	30 - -	- - -	-	- - -	
106	Charles Latimer	-	17 - -	2 May 1838	civil court	acquitted.	
107	David Hagerman	-	18 - -	30 Apr. -	-	-	
108	Daniel Bedford	-	18 - -	9 June -	petitioned under 1 Vict. c. 10.	- - -	} Pardoned, on finding se- curity to keep the peace, &c. for 3 years.
109	Alexander Neilly	-	19 - -	11 - -	-	- - -	
110	Samuel Sands	-	21 - -	11 - -	-	- - -	
111	Uriah Emmons	-	21 - -	- - -	-	- - -	
112	Ezekiel Manns	-	21 - -	12 - -	-	- - -	} -- Banished the Province for life. -- Pardoned, on finding se- curity to keep the peace, &c. for 3 years. -- Discharged by proclama- tion; no bill. Discharged by the court.
113	William Childs	-	21 - -	18 Apr. -	not tried -	- - -	
114	Abraham Sackrider	-	21 - -	1 - -	-	- - -	
115	John D. Brown	-	21 - -	8 May -	civil court	acquitted.	
116	Stephen H. Secord	-	21 - -	16 Apr. -	not tried -	- - -	} Discharged on bail. -- Discharged by proclama- tion; no bill. -- Pardoned, on finding se- curity to keep the peace, &c. for 3 years. -- Discharged by proclama- tion; no bill.
117	Orlando Inglis	-	1 Jan. 1838	16 - -	-	- - -	
118	Patrick Malada	-	1 - -	7 June -	petitioned under 1 Vict. c. 10.	- - -	
119	George Blake	-	1 - -	16 Apr. -	not tried -	- - -	
120	Amos Bradshaw	-	1 - -	- - -	petitioned under 1 Vict. c. 10.	- - -	} Banished the Province for life.
121	George Hill	-	3 - -	- - -	-	- - -	
122	Joseph Bowes	-	2 Feb. -	- - -	-	- - -	
123	Charles Tilden	-	15 - -	10 May -	not tried -	- - -	
124	Andrew M'Lure	-	12 Apr. -	6 June -	petitioned under 1 Vict. c. 10.	- - -	} -- Discharged, on his own recognizance. -- Pardoned, on finding se- curity to keep the peace, &c. for 3 years.
125	Amos B. Thomas	-	30 June -	27 July -	not tried -	- - -	
126	Jacob Lester	-	1 July -	15 - -	-	- - -	
127	Samuel Forbes	-	1 - -	15 - -	-	- - -	
128	Amos Shaw	-	1 - -	25 - -	-	- - -	} Discharged by the magis- trates.
129	Alex. Leadbeater	-	1 - -	25 - -	-	- - -	
130	Absolom Shaw	-	1 - -	25 - -	-	- - -	
131	Wm. A. Everitt	-	1 - -	25 - -	-	- - -	
132	Albert Stephens	-	1 - -	25 - -	-	- - -	
133	James G. Shaw	-	1 - -	20 - -	-	- - -	
134	Uriah Shaw	-	1 - -	20 - -	-	- - -	
135	Robert Taylor	-	1 - -	20 - -	-	- - -	
136	James Tucker	-	1 - -	20 - -	-	- - -	
137	Francis Jones	-	1 - -	20 - -	-	- - -	
138	Abraham Kilburn	-	1 - -	20 - -	-	- - -	
139	David Sherman	-	1 - -	20 - -	-	- - -	
140	William Day	-	1 - -	20 - -	-	- - -	
141	William Jackman	-	1 - -	20 - -	-	- - -	
142	Jacob B. Allen	-	4 - -	5 - -	-	- - -	
143	Abraham Graves	-	5 - -	28 - -	-	- - -	
144	Jacob Deo	-	6 - -	11 - -	-	- - -	
145	Sylvanus Shaw	-	13 - -	20 - -	-	- - -	
146	John Day	-	13 - -	20 - -	-	- - -	
147	Samuel Day	-	13 - -	20 - -	-	- - -	
148	John G. Wells	-	13 - -	20 - -	-	- - -	
149	Otis Inglis	-	13 - -	20 - -	-	- - -	
150	Jacob Aubery	-	13 - -	20 - -	-	- - -	
151	William Gibson	-	5 - -	- - -	-	- - -	} Still in custody.
152	Benjamin Hillaker	-	7 - -	- - -	-	- - -	
153	William Hillaker	-	7 - -	- - -	-	- - -	
154	John Dennis	-	7 - -	- - -	-	- - -	
155	Benjamin Smith	-	13 - -	- - -	-	- - -	} Discharged by the magis- trates.
156	Pety Sullivan	-	13 - -	- - -	-	- - -	
157	Benjamin West	-	13 - -	- - -	-	- - -	
158	Henry Spencer	-	13 - -	20 July 1838	-	- - -	
159	Isaac L. Smith	-	13 - -	20 - -	-	- - -	
160	David Williams	-	13 - -	20 - -	-	- - -	
161	John Loug	-	13 - -	20 - -	-	- - -	
162	James Lyons	-	13 - -	20 - -	-	- - -	
163	Christ. Hendershot	-	13 - -	20 - -	-	- - -	
Western District:							
1	Horace Cooley	farmer	28 June 1838	- - -	not tried -	- - -	} Still in custody.
2	Charles Bourman	-	28 - -	- - -	-	- - -	
3	Louis Burnham	-	28 - -	Sept. 1838	-	- - -	

No.	N A M E.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether Tried by CourtMartial or Civil Court.	Result of the Trial.	Remarks, Final Sentence, &c.
4	Orlando Boyington	farmer -	28 June 1838	Sept. - 1838	not tried -	- -	Discharged on bail.
5	Henry B. Nugent -	—	30 - -	- -	—	- -	
6	Reuben Markham -	—	10 Aug. -	- -	—	- -	
7	Lambert Beaubien -	wheelwright	2 July -	- -	—	- -	
8	Malcolm Burnham -	farmer -	30 June -	- -	—	- -	
9	James Coll - -	—	10 July -	- -	—	- -	Still in custody.
10	Isaac Phillips -	—	10 - -	- -	—	- -	
11	William Herrington	tailor -	10 - -	- -	—	- -	

RETURN of PERSONS against whom INDICTMENTS were found for the Crime of HIGH TREASON, but who Absconded, and are called upon to Surrender themselves, by the 1st day of February next, or be Outlawed.

No.	N A M E.	Quality or Station.	District.	
1	John Rolph - - - -	physician -	- - - -	-- Member of Provincial Parlia- ment.
2	William Lyon M'Kenzie - -	printer -		
3	Silas Fletcher - - -	yeoman -		
4	Jacob Rymal - - -	—		
5	Richard Graham - - -	—		
6	Jeremiah Graham - - -	—		
7	John Mantack - - -	—		
8	Joseph Borden - - -	—		
9	Joshua Winn - - -	—		
10	David Gibson - - -	surveyor -	- - - -	-- Member of Provincial Parlia- ment.
11	Landon Wurtz - - -	labourer -		
12	James Marshall - - -	storekeeper -		
13	Alum Marr - - -	yeoman -		
14	Joseph Clarkson - - -	—		
15	Dudley Wilcox - - -	—		
16	Edmond Quirk - - -	—		
17	Thomas Brown - - -	—		
18	Levi Parsons - - -	—		
19	Jesse Loyd - - -	—	Home.	
20	Aaron Munshaw - - -	—		
21	Henry Stiles - - -	—		
22	William Fletcher - - -	—		
23	Daniel Fletcher - - -	—		
24	David M'Carty - - -	—		
25	Seth M'Carty - - -	—		
26	Nelson Gorham - - -	—		
27	Alexander M'Leod - - -	—		
28	Cornelius Willis - - -	—		
29	Erastus Clark - - -	—	- - - -	-- Since taken at the Short Hills, and sentenced to transportation for life.—See Niagara Dt., No. 28. -- Member, Provincial Parlia- ment.
30	Charles Duncombe - - -	M.P.Parliament		
31	James Denn's - - -	yeoman -		
32	Eliakim Ma'colm - - -	—		
33	Peter Delong - - -	—		
34	Orsimus B. Clark - - -	merchant -		
35	Lyman Davis - - -	labourer -		
36	Henry Fisher - - -	yeoman -		
37	James Malcolm - - -	—		
38	Pelham C. Teeple - - -	—		
39	Norris Humphrey - - -	merchant -	London.	
40	Jesse Paulding - - -	innkeeper -		
41	Joel P. Doan - - -	tanner -		
42	Joshua G. Doan - - -	—		
43	John Talbot - - -	gentleman -		
44	Samuel Edison, jun. - -	innkeeper -		
45	Abraham Sutton - - -	yeoman -		
46	Moses Chapman Nickerson	—		
47	George Lawton - - -	—		
48	John Massacre - - -	—		
49	Elisha Hall - - -	—	- - - -	-- Since taken, at Sandwich, in arms.
50	Solomon Hawes - - -	—		
51	George Alexander Clark -	merchant -		
52	John Vanarnam - - -	innkeeper -		
53	Michael Marcellus Mills -	merchant -		
54	George Washington Case -	gentleman -		
55	Joseph Fletcher - - -	yeoman -		
56	Angus M'Kenzie - - -	—		
57	Alonzo Merriman - - -	merchant -		
58	Aaron Winchester - - -	yeoman -		
59	David Jennings - - -	labourer -	Niagara.	
60	Chester Jillet - - -	—		
61	Thomas Lambert - - -	—		

NUMERICAL ABSTRACT of the foregoing RETURN.

Eastern District	-	-	-	-	-	-	-	-	-	-	-	—
Ottawa District	-	-	-	-	-	-	-	-	-	-	-	—
Johnstown District	-	-	-	-	-	-	-	-	-	-	-	8
Bathurst District	-	-	-	-	-	-	-	-	-	-	-	—
Prince Edward District	-	-	-	-	-	-	-	-	-	-	-	—
Midland District	-	-	-	-	-	-	-	-	-	-	-	75
Newcastle District	-	-	-	-	-	-	-	-	-	-	-	12
Home District	-	-	-	-	-	-	-	-	-	-	-	422
Niagara District	-	-	-	-	-	-	-	-	-	-	-	43
Gore District	-	-	-	-	-	-	-	-	-	-	-	90
Talbot District	-	-	-	-	-	-	-	-	-	-	-	—
London District	-	-	-	-	-	-	-	-	-	-	-	163
Western District	-	-	-	-	-	-	-	-	-	-	-	11
Persons who have absconded	-	-	-	-	-	-	-	-	-	-	-	61
GRAND TOTAL											-	885

Memorandum.—Of the above number, there were in prison on the 1st November 1838 - - - 27

Note.—The period embraced by this Return extends from the 5th December 1837 to the 1st November 1838.

Government House, Toronto, Upper Canada, }
31 December 1838.

J. W. Macaulay.

CANADA.

RETURN of the NAMES and QUALITY or
STATION of the several PERSONS arrested
and placed in Confinement in the Prisons of
Toronto, &c.

(Mr. Hume.)

*Ordered, by the House of Commons, to be Printed,
25 February 1839.*

BRITISH NORTH AMERICAN PROVINCES.

RETURN to an Address of the Honourable The House of Commons,
dated 11 June 1839;—*for*,

COPIES OR EXTRACTS

OF

CORRESPONDENCE

SINCE 1ST APRIL 1835,

BETWEEN

THE SECRETARY OF STATE FOR THE COLONIES

AND

THE GOVERNORS

OF THE

BRITISH NORTH AMERICAN PROVINCES,

RESPECTING

THE INDIANS

IN THOSE PROVINCES.

(*Mr. Labouchere.*)

Ordered, by The House of Commons, to be Printed,
17 June 1839.

SCHEDULE.

LOWER CANADA.

From Lord GLENELG.

	PAGE		PAGE
No. 1.—14 January 1836	- - 1	No. 4.—22 August 1838	- - 5
No. 2.—20 February 1837	- - 4	No. 5.—22 January 1839	- - 9
No. 3.—31 August 1837	- - 5	No. 6.—26 January 1839	- - ib.

LOWER CANADA.

From The Earl of GOSFORD, The Earl of DURHAM, and Sir J. COLBORNE.

	PAGE		PAGE
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No. 8.—6 January 1837	- - 12	No. 11.—13 July 1837	- - 25
No. 9.—15 February 1837	- - 17	No. 12.—24 October 1838	- - 69

UPPER CANADA.

From Lord GLENELG.

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No. 15.—5 October 1836	- - ib.	No. 23.—28 March 1838	- - ib.
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SCHEDULE—continued.

UPPER CANADA.

From Sir J. COLBORNE, Sir F. B. HEAD, and Sir GEORGE ARTHUR.

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No. 34.—4 April 1837 -	- 136	No. 43.—3 November 1837 -	- 162
No. 35.—24 June 1837 -	- 137	No. 44.—31 October 1838 -	- 164
No. 36.—11 July 1837 -	- 138	No. 45.—14 February 1839 -	- 166
No. 37.—18 July 1837 -	- ib.	No. 46.—27 February 1839 -	- ib.
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NOVA SCOTIA AND NEW BRUNSWICK.

From Lord GLENELG.

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No. 47.—22 August 1838 -	- 167

PRINCE EDWARD ISLAND.

From Lord GLENELG and Sir C. A. FITZ ROY.

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No. 49.—8 October 1838 -	- 169	No. 51.—15 March 1839 -	- ib.

LOWER CANADA.

From LORD GLENELG.

No. 1.

COPY of a DESPATCH from Lord GLENELG to the Earl of GOSFORD.

[A similar Despatch was addressed to Sir F. B. Head, Lieutenant Governor of Upper Canada, with the Exception of the Paragraphs within Brackets in Pages 2 and 3, which were omitted in the Instructions to Upper Canada, and the Paragraphs in the Margin inserted in lieu thereof.]

(No. 39.)

My Lord,

Downing Street, 14th January 1836.

I HAVE the Honour to inform your Lordship, that I have recently had under my Consideration the Subject of the Expenditure incurred by this Country on account of Indians in the Provinces of Upper and Lower Canada. My Attention has at the same Time been directed to a Resolution adopted during the last Session of Parliament by the Committee of the House of Commons on Military Expenditure in the Colonies, the Terms of which Resolution were as follow :—

“ Resolved, That the Committee are of opinion, from the Evidence taken, and to which they refer, that the Indian Department may be greatly reduced, if not altogether abolished; and they therefore call the Attention of the House to the same, and also to the Expense of Articles annually distributed to the Indians, and whether any Arrangement may not be made to dispense with such Distribution in future, or to commute the Presents for Money.” With reference to this Resolution, I proceed to communicate to you the Views which I have been led to adopt by an Examination of all the Information recorded in this Department on the Subject to which it relates.

The annual Expenditure incurred by this Country on account of Indians in Upper and Lower Canada has been limited since the Year 1830 to 20,000*l.*; of this Sum, 15,850*l.* has been considered applicable to the Purchase of Presents, and 4,150*l.* to the Pay and Pensions of the Indian Department.

Deferring for the present any Observation on this latter Branch of the Expenditure, I feel bound, after much Consideration, to express my Opinion that the Time is not yet arrived at which it would be possible, consistently with good Faith, altogether to discontinue the annual Presents to the Indians. It appears, that although no formal Obligations can be cited for such Issues, there is yet ample Evidence that on every Occasion when this Country has been engaged in War on the North American Continent the Co-operation of the Indian Tribes has been anxiously sought and has been obtained. This was particularly the Case in the Years 1777 and 1812; and I am inclined to believe that it is from these Periods respectively that the present annual Supplies date their Commencement. But without attempting to pursue that Inquiry, it is sufficient to observe, that the Custom has now existed during a long Series of Years; that even in the Absence of any original Obligation a prescriptive Title has thus been created; that this Title has been practically admitted by all who have been officially cognizant of the Matter, and that all agree in stating that its sudden Abrogation would lead to great Discontent among the Indians, and perhaps to Consequences of a very serious Nature.

(93.)

Of

No. 1.
Lord Glenelg
to
Earl of Gosford,
14th Jan. 1836.

No. 1.
Lord Glenelg
to
Earl of Gosford,
14th Jan. 1836.

(To Sir F. Head.)

The Number of these Indians in Upper Canada is said to be 4,000, or about One Fourth of the whole. I have to request that you will direct an immediate Inquiry to be made into the Truth of this Statement, and that you will

Of the Sum expended in Presents there is however a Portion which would appear to be placed under peculiar Circumstances. It has often been represented, and lately on official Authority, that of the Indians who receive Presents from the British Government a considerable Number reside within the United States, and only resort to Canada at the Periods of Issue.

[The Remark applies rather to the Upper Province than to Lower Canada, and it is therefore my Intention to bring the Subject under the Notice of Sir F. Head, with a view of receiving from him a Report upon it. But if there should be any similar Instances in Lower Canada, I have to request that your Lordship will] ascertain and report to me under what Arrangements or Conditions such Persons have hitherto received Presents; at what Period their Change of Domicile took place; how far the Faith of this Country is pledged to them; and whether any bad Consequences are to be apprehended from the Discontinuance of their Supplies.

While, however, my present Information leads me to believe, that the immediate or early Discontinuance of the annual Presents to the Indian Tribes residing within the British Provinces, without a Commutation, would be unjust and impolitic, I am by no means prepared to admit that they should be indefinitely perpetuated; and I have to request that you will direct your early Attention to a Consideration how far it may be practicable, consistently with good Faith and sound Policy, gradually to diminish their Amount, with a view to the ultimate Abrogation of the existing Custom.

Closely connected with this Inquiry is the Second Suggestion of the Committee of the House of Commons, which I have quoted above, viz., that the Presents should in future Years be commuted for Money Payments. The Possibility of such a Commutation has already at a former Period been under the Consideration of the Secretary of State; but the Information regarding it in this Department is apparently of too contradictory a Nature to admit of my pronouncing any decided Opinion upon it. In July 1827 a similar Measure was proposed to Lord Dalhousie by the Earl of Ripon; Lord Dalhousie's Objection to it was however very decided, and was expressed in Terms which it would scarcely be possible to strengthen. "The Idea," he observes, "of proposing to the Chiefs of Tribes to convert the Payment of Presents or other Tribute to them into Money would be received with the utmost Alarm. His Majesty's Government would be loaded by the Execration of the Country were they to pay in Money to Indians the large Sums due to them by Bargain, or by Custom long established; all the Societies labouring for the Moral and Religious Improvement of the Indians would fly to His Majesty's Government to implore a Recall of the Order." Sir J. Kempt in the Year 1829 confirmed the Sentiments of his Predecessor, although in less forcible Terms; he stated that "it would be unwise to place at their Disposal any Commutation in Money for those Presents, of which they would in all probability make an improper Use."

In deference to these Opinions the Idea of commuting the Presents for Money appears to have been at that Time abandoned.

I am not disposed to question the Accuracy, under then existing Circumstances, of the Opinions expressed by Lord Dalhousie and Sir J. Kempt; on the contrary, I think it probable that at the Date of their Despatches such Consequences might have followed from Money Payments to the Indians; but since that Time considerable Progress, I have Reason to believe, has been made in the Settlement and Civilization of the Tribes, and it has been stated by Persons to whose Experience it is impossible not to defer, that it would be very advantageous to them to receive in Money a Proportion of the annual Issues. I have therefore thought it advisable again to bring the Subject under the Consideration of the Lords Commissioners of the Treasury, and I have obtained their Lordships Sanction to a Commutation of the usual Presents for Money, provided that no Stock of the Articles already consigned to the Province remains on hand, and that the Reductions which have been effected, or which are in progress, be steadily kept in view. If therefore you should upon Investigation find Reason to conclude, that the Well-being of the Indians would be promoted by substituting an Equivalent in Money in lieu of the Articles at present issued, or of a Portion of them, you will consider yourself at liberty, subject to the Restrictions above mentioned, to effect such a Commutation. It will be for you to judge whether this Arrangement should be confined

confined to the Tribes which are settled on the Land, or whether an Attempt should be made to extend it also to those who still retain the Habits of savage Life. With respect to the latter, there might still be some Danger of the Consequences anticipated by Lord Dalhousie. Assuming this to be a Question of good Faith, it seems indispensable that the Arrangement should be made only with the free Consent and Concurrence of the Indians themselves, signified by their Chiefs; and that they should feel that their Interests have not been overlooked or sacrificed in forming it.

Looking, however, to the Moral and Religious Improvement of the Indians, and their Instruction in the Arts of civilized Life, as the principal Object to be kept in view in our Intercourse with these Tribes, I am anxious that your Inquiry should be specifically directed to the Practicability of effecting a Commutation of the Presents for some Object of permanent Benefit and Utility to the Parties now receiving them. It was with this Motive that Agricultural Implements have of late been included among the Presents, but I hope it may be possible to carry the Principle into more extended Operation.

From the Reports in this Department it appears, that not only among the more civilized and settled Tribes, but even among those inhabiting the remote Districts of Canada, a strong Desire for Knowledge has recently been evinced. In Upper Canada Schools have been established by Societies and by private Individuals, and are said to be well attended. [In Lower Canada also similar Efforts appear to have been made, though perhaps not with so favourable a Result.] These Circumstances, combined with the general Docility of the Indian Tribes, lead me to hope that a Scheme of a more general Nature would not fail of ultimate Success. I cannot, of course, pretend to enter into the Details of such a Scheme; it is sufficient for me to impress upon you the Readiness and the Anxiety of His Majesty's Government to co-operate to the utmost of their Power in its Promotion. With this view they are prepared, should you think such a Measure practicable, and if the Consent of the Indians can be obtained to it, to sanction the Application of at least a Portion of the Sums now expended in the Purchase of Stores and Presents to the Erection of Schoolhouses, the Purchase of elementary Books, and the Payment of resident Schoolmasters, for the Benefit of the Indian Tribes; nor, if so important a Commutation could be effected, would they think it necessary to postpone its Commencement from any Considerations of Economy, in regard to Articles which may have been already consigned to the Colony for Distribution, and which might in such a Case remain on hand. Upon this Subject, however, I shall be anxious to receive from you, at as early a Period as possible, such Suggestions as the Means of Information within your Reach may enable you to offer for the Guidance of His Majesty's Government.

It remains for me now to notice the Expenditure on account of the Indian Department. Of this I do not hesitate to express my Opinion, that it bears an undue Proportion to the whole Amount of Expenditure under Consideration. It amounts in [Lower Canada to 1,814*l.* 3*s.* 4*d.*, while the whole Sum appropriated to Disbursements on account of Indians in that Province are only 6,000*l.* per Annum. Of this Amount, 1,814*l.* 3*s.* 4*d.*, 168*l.* 6*s.* 8*d.* is for Pensions, and 1,645*l.* 16*s.* 8*d.* for Salaries, in which latter Sum is included 270*l.* paid to Five Missionaries and 20*l.* to a Schoolmaster. The Remainder is consumed in the Salaries of Officers,] the Object of whose Appointment, is the Maintenance of the Connexion with the Indians, and the Distribution of the annual Presents. From the Evidence adduced before the Committee of the House of Commons on Colonial Military Expenditure it would appear that the Duty of distributing the Presents, even if that System should be maintained, might be wholly performed by the existing Commissariat Establishment in Canada. If the Distribution of Presents be not continued, whether by reason of their Commutation for Money, or of the Application of the Price of them to Purposes connected with Education, the Services of the Indian Department might still more easily be dispensed with. In this Branch of the Expenditure I am inclined to think that an extensive Reduction might immediately take place, and with this view I am anxious to direct your Lordship's early and particular Attention to the Subject. I would suggest that you should call upon Mr. Commissary General Routh to report to you upon this Branch of the Question. The Attention which that Gentleman has devoted to the whole Subject, the Ability with which his Reports to the Lords Commissioners of the

(93.)

No. 1.
Lord Glenelg
to
Earl of Gosford,
14th Jan. 1836.

*Omitted in
Despatch to
Sir F. Head.*

(To Sir F. Head.)
Upper Canada to 2,329*l.* 10*s.*, while the whole Sum appropriated to Disbursements on account of Indians in that Province is 14,000*l.* Of this Amount of 2,329*l.* 10*s.*, 572*l.* is for Pensions, and 1,757*l.* 10*s.* for Salaries to Officers, the Object, &c.

Treasury

No. 1.
Lord Glenelg
to
Earl of Gosford,
14th Jan. 1836.

Treasury have been drawn up, and the Suggestions which he has already made of Reductions in the annual Expenditure, must entitle his Opinion to considerable Weight. In reporting upon this Branch of the Inquiry you will furnish me with requisite Information as to the Length and Nature of the Services of the Individuals now on the Establishment of the Indian Department, with a view to the Consideration of any Claim which they may have to Remuneration in the event of their Services being discontinued. In the meantime you will not consider yourself at liberty to fill up any Vacancy which may occur in the Establishment. As it is not possible that I should receive your Lordship's Answer to this Despatch before the Period at which it will be necessary to lay upon the Table of the House of Commons the Colonial Estimates for the Year 1836-7, it is not my Intention to make any Reduction in the Sum to be required for the ensuing Year; but it will at the same Time be distinctly intimated to the House of Commons, that the Vote is only taken provisionally; that Steps are in progress for ascertaining the Practicability of immediate Reductions in the Expenditure on account of Indians; and that His Majesty's Government entertain a confident Hope that they will not be compelled in future Years to make so large a Demand for this Service upon the Liberality of Parliament.

I have, &c.
(Signed) GLENELG.

No. 2.

No. 2.
Lord Glenelg
to
Earl of Gosford,
20th Feb. 1837.

(No. 180.)

COPY of a DESPATCH from Lord GLENELG to the Earl of GOSFORD.

My Lord,

Downing Street, 20th February 1837.

9th February 1837.

WITH reference to your Despatch of the 18th November last, No. 132., I have the Honour to transmit herewith Extracts of a Letter from the Secretary to the Lords Commissioners of the Treasury on the Subject of the Indian Tribes settled in the Canadian Provinces. I have to request that your Lordship will enable me to supply the Lords of the Treasury with the Information which they require respecting these People, so far as relates to the Province of Lower Canada.

I have, &c.
(Signed) GLENELG.

Enclosure in No. 2.

Extract of a Letter from A. Y. Spearman, Esq. to Lord Glenelg, dated Treasury Chambers, 9th February 1837.

Enclosure.

Upon referring, however, to the Reports which have been made from Time to Time to His Majesty's Government respecting the Settlement of different Parties of the Indians, to the Opinion repeatedly expressed by the Officers who have preceded Sir Francis Head in the Government of Upper Canada, that the Indians would gradually adopt agricultural Pursuits, and acquire Habits of settled Industry, as well as to the Expense which has been incurred in building Villages for several Locations, their Lordships must suggest that it would be desirable, with a view to enable His Majesty's Government to determine what ulterior Arrangements it may be expedient to adopt in this respect, that the Information hereafter specified with regard to the present Position of the Indians, both in the Lower and Upper Provinces, should be obtained, and that the requisite Returns for this Purpose should be called for, unless the required Information can be obtained from any Documents already in the Colonial Department; viz.

The Number of Tribes and of Indians resident within the British Territory;

The Pursuits of each Tribe, with the Number of fixed Locations occupied by the Indians;

The Situation of the Locations of the settled Parties, or of Hunting Grounds occupied by the other Indians;

The

IN THE BRITISH NORTH AMERICAN COLONIES.

5

The Extent of the Lands set apart at the different Locations for the Use of the Indians, or of the Hunting Ranges ;
 The Persons employed in the Superintendence of the settled Indians, or of the other Tribes, with their Designations and Salaries, and a Summary of the Duties they have to perform ;
 The Number and Description of the Clergy or Teachers attached to each Tribe or Party ; and
 Whether the Expenses of the Tribe or Party are defrayed from the Parliamentary Grant, or from the Land Payments out of the Territorial Revenue of the Crown.

No. 2.
 Lord Glenelg
 to
 Earl of Gosford,
 20th Feb. 1837.
 ———
 Enclosure.

No. 3.

(No. 263.)

COPY of a DESPATCH from LORD GLENELG to the Earl of Gosford.

My Lord,

Downing Street, 31st August 1837.

I HAVE had the Honour to receive your Despatch of the 15th February last, No. 25., suggesting certain Reductions in the Indian Department of Lower Canada, and recommending to the favourable Consideration of His Majesty's Government those Officers whose Situations it is intended to abolish. Having referred this Despatch for the Consideration of the Lords Commissioners of the Treasury, their Lordships have concurred with me in approving the Steps which you have taken, and have sanctioned the Payment to the retiring Officers of the Amounts stated in the accompanying Letter from Mr. Spearman. Your Lordship will therefore lose no Time in notifying to those Gentlemen the Decision of His Majesty's Government in their Case.

I have, &c.

(Signed) GLENELG.

No. 3.
 Lord Glenelg
 to
 Earl of Gosford,
 31st August 1837.
 ———

21st August.

Enclosure in No. 3.

(Copy.)

Sir,

Treasury Chambers, 21st August 1837.

Having laid before the Lords Commissioners of His Majesty's Treasury your Letter of the 18th May last, transmitting Copy of a Despatch from the Earl of Gosford, suggesting certain Reductions in the Indian Department in Lower Canada, I have it in Command to request you will state to Lord Glenelg, that having considered the Statements of Services of several Officers of the Indian Department in Lower Canada whose Offices are to be reduced from the 1st of October next, my Lords are pleased to sanction the Grant of the following Allowances upon such Reduction ; viz.

To L. J. Duchesnay, late Superintendent at Quebec, 80*l.* per Annum ;To Jervase Maccomber, late Interpreter at Caughanawaga, 36*l.* ;To J. B. de Niverville, late Interpreter at Three Rivers, 55*l.* ; andTo S. Y. Chesley, late Resident at St. Regis, a Gratuity of 78*l.* 10*s.*

I am, &c.

(Signed) A. Y. SPEARMAN.

Enclosure.
 ———

No. 4.

(No. 93.)

COPY of a DESPATCH from LORD GLENELG to the Earl of DURHAM.

My Lord,

Downing Street, 22d August 1838.

You will perceive by a Reference to the Archives of Upper and Lower Canada, that the Condition of the Indians in those Provinces has engaged much

No. 4.
 Lord Glenelg
 to
 Earl of Durham,
 22d August 1838.
 ———

To Lord Gosford,
No. 39. 14th Jan. 1836.
No. 180. 20th Feb.
1837.

To Sir F. Head,
No. 12. 14th Jan.
1836.
No. 44. 31st Mar.
No. 102. 5th Oct.
No. 131. 20th Jan.
1837.
No. 145. 20th Feb.
No. 156. 4th April.
No. 228. 4th Sept.

To Sir G. Arthur,
No. 25. 21st Feb.
1838.

No. 46. 28th Mar.
No. 50. 2d April.
No. 130. 22d Aug.

much of my Attention. The Correspondence noted in the Margin will put you in possession of my general Views on the Subject, and of the specific Instructions which I have given regarding some particular Parts of it.

Lord Gosford's Despatch, No. 71., of the 13th July 1837, transmitting the Report of the Committee of the Executive Council, reached me in last September. I was at that Time in expectation of receiving from Parties in this Country, and from Persons deputed for the Purpose from Upper Canada, further Representations relating generally to the Indian Tribes in British North America. Shortly after that Time also those Events occurred in both Provinces which of necessity suspended the Prosecution of all Questions of peaceful Improvement, and which made an Appeal regarding them to the local Government as unseasonable as it must have been useless.

On these Accounts I postponed my Answer to Lord Gosford; and this Postponement I felt the less unwilling to incur as Lord Gosford had very judiciously acted on the Recommendations of the Committee of the Executive Council so far as was necessary to prevent any Injury accruing to the Indians from a short Delay in the final Decision of Her Majesty's Government.

I now resume the Consideration of the Subject, making only this preliminary Remark, that among the various Matters which demand your Attention, although there are some of more immediate Exigency as to our Political Relations in North America, yet there is not one of graver Importance in itself, or involving Obligations of a deeper and more enduring Character.

With respect to Lower Canada, the Report of the Committee of the Executive Council leaves little to be desired, either as to the Details of the Question, or as to the Principles on which it ought to be dealt with, or as to the practical Application of those Principles.

The Sentiments and Suggestions of that Report coincide, not only with my own Views as explained in former Despatches, but also with those of the Persons in this Country and in the Canadas who most interest themselves in the Fate of the Indians.

I have therefore to authorize you to carry the proposed Measures into effect.

I wish however to advert to some Topics, for the Purpose of Inquiry or Remark, requesting you to understand that those Subjects which I do not particularly mention are not therefore to be excluded from my general Recommendation, subject of course to your Judgment on the Spot, to adopt all the Suggestions of the Report.

The Committee recommend "that a different Description of Clothing should be substituted for that hitherto supplied, in order that the Indians may be led to adopt more generally the European Mode of Dress; and the Committee are of opinion that this Change should apply both to the Male and Female Indians." In this Recommendation I concur, as well calculated gradually to wean the Indians from those Habits and Associations which form the principal Impediment to their Civilization; but in carrying such a Measure into practice, Care should be taken to make the Transition gradual, and to avoid any unnecessary Violence to the Feelings or Prejudices of the People.

The Committee observe in their Report, that it is desirable "that the Trinkets and Ornaments hitherto furnished should be discontinued; that the Presents of this Description now in Store to the Amount of between 2,000*l.* and 3,000*l.* should be sold, with the Reserve hereafter mentioned; and that agricultural Implements and Tools should be provided, to be given to such Indians as shall show an Inclination for agricultural Pursuits or other Employments." I wish to know if any Steps have been taken to act on this Suggestion.

With respect to the Recommendation as to the wandering Indians, Lord Gosford observes, that he had "directed Measures to be taken for affording to those Indians as early an Intimation as possible of the proposed Alteration." I desire to be informed what has been the Consequence of those Measures, and whether there is any Prospect of inducing those wandering Indians to establish themselves in any fixed Spot.

The Objections stated in the Report against the Commutation of the Presents for Money seem to me decisive.

The Condition of the Indians as to Education is far from creditable to British Rule. Under the French Government that People were placed under the special

No. 4.
 Lord Glenelg
 to
 Earl of Durham,
 22d August 1838.

special Care of the Jesuit Missionaries, a Class of Men of whom it must be admitted, that whatever may have been their Delinquencies in the Old World, they have in the New, been known chiefly as the Protectors and Civilizers of a Race forsaken or trampled upon by all beside. It is Time for us to emulate their Example, and to supply, however tardily, the Place of the Instructors of whom our Conquests have deprived the original Possessors of the Soil. You will accordingly take into immediate Consideration the best Means of "establishing and maintaining Schools among them in which the Rudiments of Education shall be taught, joined, if possible, with Instruction in Agriculture and some of the Handicrafts; and in order to promote these Objects" you are authorized, if you think fit, to direct that some of the Medals or Ornaments now given as Presents should be reserved, and hereafter be converted into Prizes for Proficiency in Learning, or for Industry and Success in Agriculture."

The Observations and Conclusions of the Committee on every Part of this Subject, I mean the Improvement of the moral and social Condition of the Indians, are very important, and no less practical than just. The great Question of the Possibility of advancing the Indians in Civilization is discussed by the Committee in a Spirit of Candour and enlightened Humanity, and with a Force of Reasoning entirely conclusive. The Result at which they arrive is well calculated to encourage every judicious Effort in this Cause. I cannot but urge on you the immediate Adoption of the various Suggestions which they make, if they should appear to you, after Inquiry and Deliberation, to deserve the Character which I have given of them.

I approve the Course taken by Lord Gosford in regard to the Agricultural School and Farm of Mr. P. Christie, and I am anxious to learn what has been the Progress of that Experiment to the present Time. I should fear that the late Disturbances must have much interfered with its Success. I wish also to learn if the Officers of the Indian Department have, in pursuance of Lord Gosford's Directions, made Reports "in what Places and Manner Establishments of a similar Nature might be best formed."

With respect to the Settlement of the Indians, I cannot but agree in the Conclusion at which the Committee arrive:—"Upon the whole, however, it would seem to the Committee to be more advisable to endeavour to form compact Settlements of such as may be so disposed upon Lands not very remote from older Settlements, allowing, however, such as may be willing to take separate Locations elsewhere to follow their own Choice, and giving them agricultural Implements, but no other Description of Presents."

I need not follow in Detail the interesting Enumeration of the State and Circumstances of the different Tribes; but I must call your special Attention to the Recommendations which the Committee offer in relation to each separate Tribe. You will be the more at liberty to shape your Proceedings in this Matter according to your own Discretion in consequence of the provident Directions given by Lord Gosford "to the Crown Land Department not to dispose of the Tracts" proposed to be reserved for such Tribes as appear to need an Augmentation of their Property, "until the Pleasure of Her Majesty's Government be known on the Subject."

In regard to those Indians who are at present without any Land, consisting principally of the Iroquois, Algonquin, and Nipissing Tribes, I concur in the Opinion of the Committee, that Reservations should be made for them at the Back of the present Settlements, although of the Extent of such Reservations I am unable to form any Opinion. A Question then arises as to the Manner in which these Reservations should be secured to the Indians. In Upper Canada some Insecurity, and consequent Indisposition to the Cultivation of the Land, is said to have been felt by the Indians, by reason of their Want of any legal Title. Strong Objections however exist to the conferring on them saleable Titles, as being likely to expose them to the Frauds and Artifices of designing Persons. To escape this Difficulty, and at the same Time to remove every reasonable Feeling of Suspicion on the Part of the Indians, I have lately directed Sir G. Arthur, if he should see no insuperable Objection to such a Measure, to cause Title Deeds of their Property to be drawn up in Writing, and recorded in the Office of the Commissioner of Crown Lands, and to allow any Person deputed on their Behalf to assure themselves of the Fact of such Record. The Deeds so recorded would be considered by the Government as equally binding

No. 4.
 Lord Glenelg
 to
 Earl of Durham,
 22d August 1838.

with any other similar Documents. And if the Indians should at any Time desire to sell or exchange their Lands, the Government would be ready to listen to their Applications, and to take such Course as might be most consistent with their Welfare and Feelings.

A similar Measure ought to be adopted in the Lower Province with respect the Estates now belonging to the Indians; but in the Case of the Lands proposed to be reserved for their Benefit it should be distinctly provided that the Land so reserved shall be inalienable by the Indians without the express Consent of the Executive Government; and that it shall be in the Power of the Government, should the Indians not cultivate the Land, to remove them hereafter to other Hunting Grounds, when the Advance of Settlements may render such a Measure expedient; but if they should cultivate it, then to contract the Limits of their Reservation to such an Extent as would leave them the Means of procuring an adequate and comfortable Subsistence.

I adopt the Views of the Canada Commissioners and of the Committee as to the Expediency of granting Garden Lots to the Indians of Lorette; and I have to convey to you my Authority for making such Grants, either in the Spot indicated by the Committee, or in any other Quarter which may appear to you preferable, and which may at the same Time be agreeable to the Indians themselves.

Her Majesty's Government should, I think, be furnished from Time to Time with an accurate Account of the State of the Indians, and of their Progress in the Arts of civilized Life. I have therefore to request that you will direct a detailed Report on this Subject to be prepared, and transmitted to me periodically.

I should at the same Time be happy to receive any Suggestions which it may be in your Power to offer for the Promotion of the Well-being of this People, and for the advancing the Period at which they may attain to Independence.

It is an appalling Fact which is stated by the Committee, "that the average Number of Children living from each Indian Marriage does not exceed Five for Four married Couple, and a large Proportion even of these being Half-caste, while in the rest of the Population of the Province it is at least Four to each Marriage. Thus furnishing," as the Committee add, "another Proof that powerful external Causes have been in operation to keep them below the Level of their Fellow Men." This is a State of Things of which it is enough to say that it ought not to be. The Interval is wide, indeed, between this Condition and one of Comfort, of moral and religious Improvement, of prosperous Independence, and of the Capacity to enjoy and appreciate the Rights of free British Subjects. Yet it is to this latter Condition that it is our Duty and ought to be our Endeavour to conduct this unhappy Race; and I cannot but hope that you may be enabled to set in progress a System which may finally produce such a Result.

I conclude with Three general Observations:—

1. It should be regarded as a fixed Principle in any Arrangements that may be made regarding the Indians, that their Concerns must be continued under the exclusive Care and Superintendence of the Crown. My Meaning cannot be better expressed than in the Words of the Committee:—"They think it right to observe, in general, that in the Recommendations which they have offered they assume that the Indians must continue to be, as they have hitherto been, under the peculiar Care and Management of the Crown, to which, whether under French or English Dominion, they have been taught exclusively to look for paternal Protection in compensation for the Rights and Independence which they have lost.

"Until Circumstances make it expedient that they should be turned over by the Crown to the Provincial Legislature, and receive legislative Provision and Care, the Committee conceive that all Arrangements with respect to them must be made under the immediate Direction of Her Majesty's Government, and carried into effect under the Supervision of Officers appointed by it."

2. I recommended, in my Despatch of 14th January 1836, No. 39., that although the Modes of applying the Money destined for the Indian Department might be varied, yet the whole Amount applied to that Service should not exceed the Sum actually voted by Parliament for that Purpose, and certainly the

the strictest Economy should be exercised in the Application of the Money so voted. At the same Time no real Interest of the Indians ought to be sacrificed, or any practical Improvements deferred on the sole Ground of Expense. From what Source any necessary Supplies for this Object beyond the Sum annually voted should be drawn may be a Question; but although it would be inexpedient to apply to Parliament for an increased Vote, recourse might be had to the Provincial Revenues, including in that Term the Crown Revenues as well as those of all other Kinds. There is surely no Object for which those Revenues can be more justly and legitimately rendered available than this.

It is to be regretted, that in the Proposals made to the Assembly of the different Provinces respecting the Cession of the Crown Revenues in return for a fixed Civil List some Stipulation was not introduced securing a Portion of the annual Revenues for the social and religious Improvement of the Indians. In those Cases, as in Upper and Lower Canada, where the Negotiations will have to begin *de novo*, it may be right to insert some Provision to that Effect; for in such Cases it is clearly open to the Crown to vary or add to the Terms of the Proposal. But even where it is too late to take this Step, I have no Doubt that an Appeal to the Justice and Liberality of the local Legislature in behalf of the Indians would meet with a cordial and efficient Return.

3. I would in the same Spirit deal with the Question of Lands for the Indians. However rigidly the Rules respecting the Disposal of Lands may be observed in general, and it is necessary to observe them with the utmost Strictness, yet if in any Case it be for the clear Advantage of the Indians to depart from those Rules the Departure ought without Hesitation to be sanctioned.

I have, &c.
(Signed) GLENELG.

No. 4.
Lord Glenelg
to
Earl of Durham,
22d August 1838.

No. 5.

(No. 44.)

COPY of a DESPATCH from Lord GLENELG to Lieutenant General
Sir J. COLBORNE, G.C.B.

No. 5.
Lord Glenelg
to
Sir J. Colborne,
22d January 1839.

Sir,

Downing Street, 22d January 1839.

I HAVE received the Earl of Durham's Despatch of the 24th October last, No. 97., enclosing a Memorial which had been addressed to him by the Roman Catholic Bishops of Lower Canada, deprecating the Withdrawal of the Salaries granted to the Roman Catholic Missionaries employed among the Indians in that Province.

You will have the goodness to inform the Memorialists, that although Her Majesty's Government felt compelled to withdraw those Allowances of Presents, &c. which during a few Years had been granted to the Missionaries, but the Grant of which was inconsistent with the Parliamentary Vote, there is not at present any Intention of withdrawing from the Missionaries at Restigouche, Lorette, and Montreal the Salaries which they have heretofore received out of the Sum annually granted by Parliament on account of the Indians in Canada.

I have, &c.
(Signed) GLENELG.

No. 6.

COPY of a LETTER from Lord GLENELG to Lieutenant General
Sir J. COLBORNE, G.C.B.

No. 6.
Lord Glenelg
to
Sir J. Colborne,
26th January 1839.

My dear Sir,

Downing Street, 26th January 1839.

It has occurred to me, that it might be satisfactory to the Indians of Cochawaga, who so gallantly defeated the Rebels who collected at their Village on (93.) the

No. 6.
Lord Glenelg
to
Sir J. Colborne,
26th January 1839.

the 4th November last, as reported in your Despatch of the Day following, to know that their Conduct on that Occasion had been specially brought under the Notice of the Queen, and had met with Her Majesty's Commendation. I have therefore to request that you will, if it should appear to you advisable, convey to them Her Majesty's special Approbation of their Conduct in this Instance; and I would wish you to consider, and report to me, whether it might not be expedient, in the next annual Distribution of Presents to these Indians, to substitute Medals, or other honorary Rewards, to such as distinguished themselves in this Transaction, for the Clothes, &c. usually given to them; or whether in any other Method their good Conduct might be honoured in some public Manner.

I have, &c.

(Signed)

GLENELG.

LOWER CANADA.

From The EARL of GOSFORD, The EARL of
DURHAM, and SIR J. COLBORNE.

No. 7.

(No. 132.)

COPY of a DESPATCH from the Earl of GOSFORD to Lord GLENELG.

No. 7.
Earl of Gosford
to
Lord Glenelg.
13th Nov. 1836.

My Lord,

Castle of St. Lewis, Quebec, 18th November 1836.

I FEEL it incumbent on me to offer to your Lordship some Explanation why no Answer has as yet been returned to your Despatch of the 14th of January 1836, No. 39., suggesting the Expediency of abolishing the present System of issuing Presents to the Indians, and substituting a Money Payment, and calling for my Opinion as to the best Arrangement that can be now made for reducing the Expenditure connected with this Service, and at the same Time for improving the social and moral Condition of this Class of His Majesty's Canadian Subjects.

The Indian Question, which your Lordship has brought under my Notice, being one of no little Difficulty and Importance, I found that it would require so much more Time and Consideration for arriving at sound Conclusions than I could bestow on it, without seriously interfering with the numerous other Demands of more immediate Pressure which, I foresaw, would, during the next Six or Seven Months after the Receipt of the Despatch, engross my Attention, as Governor and Member of the Royal Commission, that it appeared to me necessary, and indeed in all respects the wisest Course, to call in the Assistance of the Executive Council, whose Members, from their local Experience and Knowledge of the Habits and Feelings of the Indians, must naturally be possessed of far better Means for suggesting and elaborating a practicable and satisfactory Scheme for carrying out the Views of His Majesty's Government than I could possibly bring to bear on the Subject. I therefore referred the whole Question, with your Lordship's Despatch, to the Council; but they have not yet made their Report. In the meantime, as your Lordship declared it to be indispensable that the proposed Arrangement for substituting Money for Presents, and for employing Part of what the Indians may continue to receive from Government towards the Furtherance of their moral and religious Improvement, should be made only with the free Consent and Concurrence of the Indians themselves, to be signified by their Chiefs, I directed these Two Points to be explained and submitted for Deliberation at the Council Fires of the different Tribes, who were expressly assembled for the Occasion. This has been done; and the Result is, that they all earnestly deprecate the suggested Commutation, as highly injurious to them in a social point of view, from the Facility it would afford to their young Men, and to the more dissolute amongst them, of wasting in strong Drinks, in a few Days, that which, as they now receive it, serves to clothe and to supply them for the rest of the Year with the Means of procuring Food and the other Necessaries of Life.

On the other Point they urge, that although willing to be instructed, yet as their White Brethren in the Province are provided with the Means of Education at the public Expense, they do not think they ought to be called on to give up for these Purposes a Portion of the small Allowance which has been so long enjoyed by them in return for past Services rendered by themselves or their Ancestors. I fear therefore that any Plan that may be recommended

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which

No. 7.
Earl of Gosford
to
Lord Glenelg,
18th Nov. 1836.

which has for its Object the Abolition of the present System of issuing Presents will fail to meet with the Concurrence of the Indians.

I may avail myself of this Opportunity to acquaint your Lordship, that the small Supply of Presents which arrived this Year were forwarded immediately to Upper Canada, and as no more were to be expected, and I did not deem it advisable to withhold the usual Issues to the Tribes of this Province while the general Scheme now in contemplation was still undecided on, I was obliged, in order to meet the pressing Applications made to me by the Indians, and to preserve intact the good Faith of Government, to authorize the Commissary General to purchase, as was done in similar Circumstances last Autumn, the necessary Articles to complete this Year's Distribution. I am unable at present to state the Amount of the Outlay, but I trust your Lordship will recommend the Expenditure to be sanctioned.

I have, &c.
(Signed) GOSFORD.

No. 8.

(No. 3.)
COPY of a DESPATCH from the Earl of GOSFORD to Lord GLENELG.

No. 8.
Earl of Gosford
to
Lord Glenelg,
6th January 1837.

My Lord, Castle of St. Lewis, Quebec, 6th January 1837.

WITH reference to my Despatch of the 18th of November last, No. 132., in which I mentioned to your Lordship that under existing Circumstances I had authorized the Purchase of a Supply of Indian Presents to meet the Demand in Lower Canada for the Year 1835, but was unable then to state the Expenditure, I have now the Honour to inform you, that it amounts to 2,310*l.* 17*s.* 0*d.* of which Sum 798*l.* 9*s.* 7*d.* has been paid to the Ordnance Department for the requisite Number of Blankets to complete the Issues.

The Executive Council have not yet been able to prepare their Report on the general Question of Indian Presents, but the Subject has not in the meantime ceased to occupy my Attention; and in considering the Report which, in compliance with your Lordship's Intimation, I called on Mr. Commissary General Routh to furnish, and which is now before the Council, I think that some of his Suggestions may be at once carried into effect, without waiting for the Report of the Council, should His Majesty's Government deem it expedient to continue to any Extent the old System of distributing Presents. I allude principally to the Suggestion for diminishing the several Heads of Presents into fewer Denominations, and thus reducing the Schedule of Equipments, until a more final Measure can be determined on.

Your Lordship is aware that many different Kinds of Cloth are now required for Distribution; I would propose that several be omitted, and of those retained an additional Quantity given, so that the Value of the Articles to be received by each Individual should remain nearly equal to what it is at present. This Arrangement, which I believe to be a beneficial one for the Indians, as the Articles retained are of a more serviceable Nature, will not I apprehend be objected to by them; and at the same Time that it secures to them a more useful Outfit, the Saving effected in each Case, though trifling, will upon the gross Amount issued render the Plan more economical than the one now in use by nearly 130*l.* The annual Value of the Presents now given being about 2,350*l.*, and that of the proposed Issue about 2,220*l.*, I have caused an Estimate of Presents for the current Year to be framed on this Principle, a Copy of which I have the Honour herewith to transmit for your Lordship's Information and Approbation. You will observe, that instead of Eight only Three Denominations of Cloth are now demanded, viz., Strouds, Linen, and Cotton; and I have directed the Commissary General to send to the proper Authorities in England a Pattern of an unbleached Cotton Cloth sold at about Sixpence per Yard in the Upper Province, and which I believe is of American Manufacture, as a Sample of the Quality of the Article held most in Estimation for Warmth and Durability.

No. 1.

No. 2.
No. 3.

Enclosures Nos. 2. and 3. will explain, in Detail, to your Lordship the Difference both in respect of Items and Value between the Equipment now given to

to each Class of Indians and that which they will receive under the proposed Scheme, should it be adopted.

With regard to the Issue of Fire-arms and Ammunition, although with a view to induce Habits of Agriculture and Civilization it may, I conceive, become necessary ultimately to discontinue the present Practice; to put an immediate Stop to it would probably be productive of much Inconvenience, if not Hardship; and as there is a large Supply of Guns in the Canadas which, from the late Improvements that have been introduced into the Manufacture of that Article, would not, I understand, meet with an advantageous Sale, I think it better to continue the Distribution at least until the Stock on hand is exhausted. While it lasts there will be no Occasion to send out any Guns from England, although they are included in the present Estimate in order to make it complete.

I cannot close this Despatch without requesting your Lordship to believe that I share fully with His Majesty's Ministers in the Desire to relieve, consistently with good Faith, the British Public from all unnecessary Expenditure on account of this Service, and that I shall not fail to avail myself of every Opportunity that offers for carrying into effect all judicious and practicable Economy. As an Earnest of my Solicitude on this Point I do not hesitate now to propose a Diminution of £500 per Annum on the Grant heretofore asked of Parliament for this Province, reducing it from £4,500 to £4,000 Sterling, which latter Sum will in my Opinion be fully adequate for the Purposes of the Vote.

I have, &c.
(Signed) GOSFORD.

No. 8.
Earl of Gosford
to
Lord Glenelg,
6th January 1837.

First Enclosure in No. 8.

ESTIMATE of PRESENTS required for the INDIANS of LOWER CANADA for the Year 1837.

Enclosure No. 1.

Articles required.	Quebec.	Montreal.	Total.
Strouds - - - - Yards	1,258½	4,913	6,171½
Linen - - - - do.	75	144	219
Cotton - - - - do.	1,567	6,613	8,180
Blankets - - - -	1 Point	79	368
	1½ do.	58	306
	2 do.	54	298
	2½ do.	204	777
	3 do.	198	715
Ball - - - - Pounds	421	1,477	1,898
Shot - - - - do.	1,263	4,431	5,694
Guns, Chiefs - - - - Number	5	15	20
Do. common - - - - do.	12	45	57
Brass Kettles - - - - do.	—	18	18

Quebec,
30th December 1836.

(Signed) D. C. NAPIER, S. I. A.

14 CORRESPONDENCE RESPECTING THE INDIANS

RETURN of the INDIANS of LOWER CANADA for whom the PRESENTS specified in the annexed Estimate are intended.

	Full Equipment.			Common Equipment.			Boys.			Girls.			Total.
	Chiefs wounded in Action.	Warriors do. do.	Wives and Widows of do. do.	Chiefs.	Warriors.	Wives and Widows of do.	From 10 Years to 15 Years of Age.	From 5 Years to 9 Years of Age.	From 1 Year to 4 Years of Age.	From 10 Years to 15 Years of Age.	From 5 Years to 9 Years of Age.	From 1 Year to 4 Years of Age.	
Montreal District	1	3	15	46	665	762	158	161	182	140	145	186	2,464
Quebec do. -	—	—	—	25	173	204	25	26	35	29	32	44	593
	1	3	15	71	838	966	183	187	217	169	177	230	3,057

Quebec, 30th December 1836, (Signed) D. C. NAPIER, S. I. A.

Second Enclosure in No. 8.

Enclosure No. 2.

INDIAN PRESENTS.

Present Equipment.	Value Sterling.	Proposed Equipment.	Value Sterling.
	£ s. d.		£ s. d.
71 Chiefs:		71 Chiefs:	
1 Yard Cloth		3Yards Strouds at 2s.9d.	0 8 3
¼ Yard Strouds		3.Yards Linen at 1s.3d.	0 3 9
6 Yards Irish Linen		1 Three Point Blanket	0 8 10½
1 Three Point Blanket		3 lbs. Ball at 2½d.	0 0 7½
4 lbs. Tobacco		9 lbs. Shot do.	0 1 10½
3lbs. Ball		3 lbs. Gunpowder at 8d.	0 2 0
9 lbs. Shot			
3 lbs. Gunpowder			
	1 9 3		1 5 4½
838 Warriors:		838 Warriors:	
2 Yards Molton		2½ Yards Strouds -	0 6 10½
½ Yard Strouds		3 Yards Cotton at 7½d.	0 1 10½
5 Yards Cotton		1 Three Point Blanket	0 8 10½
1 Three Point Blanket		2 lbs. Ball -	0 0 5
2 lbs. Tobacco		6 lbs. Shot -	0 1 3
2 lbs. Ball		2 lbs. Gunpowder -	0 1 4
6 lbs. Shot			
2 lbs. Gunpowder			
	1 0 1		1 0 7½
966 Women:		966 Women:	
1 Yard Ratteen		3 Yards Strouds -	0 8 3
2 Yards Strouds		3 Yards Cotton -	0 1 10½
5 Yards Cotton		1 Two and a half Point Blanket -	0 7 0
1 Two and a half Point Blanket			
	0 18 11½		0 17 1¼

INDIAN PRESENTS — *continued.*

No. 8.
Earl of Gosford
to
Lord Glenelg,
6th January 1837.

Enclosure No. 2.

Present Equipment.	Value Sterling.	Proposed Equipment.	Value Sterling.
	£ s. d.		£ s. d.
183 Boys from 10 Years to 15 Years of Age : 1 Yard Ratteen $\frac{1}{2}$ Yard Strouds 3 Yards Cotton 1 Two Point Blanket	0 11 2 $\frac{1}{2}$	183 Boys and 169 Girls from 10 Years to 15 Years of Age : Proposed to equalize the Issue as follows : 1 $\frac{1}{2}$ Yards Strouds - 3 Yards Cotton - 1 Two Point Blanket -	0 4 1 $\frac{1}{2}$ 0 1 10 $\frac{1}{2}$ 0 4 7 $\frac{1}{2}$
169 Girls, same Age : 1 Yard Caddies 1 $\frac{1}{2}$ Yard Strouds 3 Yards Cotton 1 Two Point Blanket	0 12 3 $\frac{1}{2}$		0 10 7 $\frac{1}{2}$
187 Boys from 5 Years to 9 Years of Age : 1 Yard Caddies $\frac{1}{2}$ Yard Strouds 2 Yards Cotton 1 One and a half Point Blanket	0 7 10 $\frac{1}{2}$	187 Boys and 177 Girls from 5 Years to 9 Years of Age : Proposed to equalize this Issue as follows : 1 Yard Strouds - 2 Yards Cotton - 1 One and a half Point Blanket - -	0 2 9 0 1 3 0 3 7
177 Girls, same Age : $\frac{1}{2}$ Yard Caddies 1 Yard Strouds 2 Yards Cotton 1 One and a half Point Blanket	0 8 5		0 7 7
217 Boys from 1 Year to 4 Years of Age : $\frac{1}{2}$ Yard Ratteen 1 Yard Cotton 1 One Point Blanket	0 5 4 $\frac{3}{4}$	217 Boys and 230 Girls from 1 Year to 4 Years of Age : Proposed to equalize this Issue as follows : 2 Yards Cotton - 1 One Point Blanket -	0 1 3 0 3 1 $\frac{1}{4}$
230 Girls, same Age : $\frac{1}{2}$ Yard Strouds 1 Yard Cotton 1 One Point Blanket	0 5 1 $\frac{1}{4}$		0 4 4 $\frac{1}{4}$

In these Calculations the Strouds are calculated at 2s. 9d. per Yard, but it is probable from the Increase in Woollen Cloths the Price will be 3s. per Yard.

Tobacco has been omitted, being no longer a Rarity, but the Growth of the Country, and easily procured every where; when first issued it was imported, and was not produced in Canada. When not issued in late Years no Complaint has been made.

No Alteration is suggested in the annual Value (£20 19s. 10 $\frac{1}{2}$ d. Sterling) of the Equip- ment given to the One wounded Chief, Three wounded Warriors, and Fifteen Wives and Widows of those wounded and killed in Action, now on the List.

No. 8.
Earl of Gosford
to
Lord Glenelg,
6th January 1837.

Enclosure No. 2.

					AVERAGE PRICES.	
					Sterling.	
					s.	d.
Tobacco	-	-	-	-	0	8
					per lb. bought in the Country, not imported.	
Ball	-	-	-	-	0	2½
Shot	-	-	-	-	per lb.	
Gunpowder	-	-	-	-	idem.	—
Irish Linen	-	-	-	-	0	8
Cloth	-	-	-	-	1	3
Strouds	-	-	-	-	per Yard.	
Molton	-	-	-	-	4	8
Ratteen	-	-	-	-	—	
Caddies	-	-	-	-	2	9
Three Point Blanket	-	-	-	-	to 3s. per Yard.	
Two and a half Point Blanket	-	-	-	-	1	3½
Two Point Blanket	-	-	-	-	per Yard.	
One and a half Point Blanket	-	-	-	-	3	4
One Point Blanket	-	-	-	-	1	8
					—	
					8	10½
					each.	
					7	0
					4	7
					—	
					3	7
					—	
					3	1¼
					—	

Enclosure No. 3.

Third Enclosure in No. 8.

INDIAN PRESENTS.			
Present Expenditure.	Total.	Proposed Expenditure.	Total.
71 Chiefs, at £1 9s. 3d. -	£ s. d. 103 16 9 90 1 7½	71 Chiefs, at £1 5s. 4½d. -	£ s. d. 90 1 7½
Saving -	13 15 1½		
838 Warriors, at £1 0s. 1d. -	841 9 10	838 Warriors, at £1 0s. 7½d.	864 3 9 841 9 10
		Excess -	22 13 11
966 Women, at 18s. 11½d. -	915 13 9 827 2 9	966 Women, at 17s. 1½d. -	827 2 9
Saving -	88 11 0		
183 Boys, from 10 to 15 Years of Age, at 11s. 2½d.	102 11 1½ 97 4 4½	183 Boys, from 10 Years to 15 Years of Age, at 10s. 7½d.	97 4 4½
Saving -	5 6 9		
169 Girls, same Age, at 12s. 3½d.	103 17 3½ 89 15 7½	169 Girls, same Age, at 10s. 7½d.	89 15 7½
Saving -	14 1 8		
187 Boys, from 5 Years to 9 Years of Age, at 7s. 10½d.	73 12 7½ 70 18 1	187 Boys, from 5 Years to 9 Years of Age, at 7s. 7d.	70 18 1
Saving -	2 14 6½		

IN THE BRITISH NORTH AMERICAN COLONIES.

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INDIAN PRESENTS — *continued.*

Present Expenditure.		Total.	Proposed Expenditure.		Total.
		£ s. d.			£ s. d.
177 Girls, from 5 Years to 9 Years of Age, at 8s. 5d.		74 9 9	177 Girls, from 5 Years to 9 Years of Age, at 7s. 7d.		67 2 3
		67 2 3			
Saving -		7 7 6			
217 Boys, from 1 Year to 4 Years of Age, at 5s. 4½d.		58 10 10½	217 Boys, from 1 Year to 4 Years of Age, at 4s. 4½d.		47 4 10½
		47 4 10½			
Saving -		11 6 0½			
230 Girls, same Age, at 5s. 1½d.		58 13 11½	230 Girls, same Age, at 4s. 4½d.		50 1 5½
		50 1 5½			
Saving -		8 12 6			

No. 8.
Earl of Gosford
to
Lord Glenelg,
6th January 1837.
Enclosure No. 3.

RECAPITULATION.

	£ s. d.
71 Chiefs - - - Less	13 15 1
966 Women - - -	88 11 0
183 Boys, from 10 to 15 - -	5 6 9
169 Girls, ditto - - -	14 1 8
187 Boys, from 5 to 9 - - -	2 14 6½
177 Girls, ditto - - -	7 7 6
217 Boys, from 1 to 4 - - -	11 6 0½
230 Girls, ditto - - -	8 12 6
	151 15 1½
Deduct Excess upon 838 Warriors -	22 13 11
Total - -	129 1 2½

No. 9.

(No. 25.)

COPY of a DESPATCH from the Earl of GOSFORD to Lord GLENELG.

My Lord,

Castle of St. Lewis, Quebec, 15th February 1837.

WITH reference to that Part of your Lordship's Despatch of the 14th of January 1836, No. 39., which, after noticing the Expenditure on account of the Indian Department, expresses your Lordship's Opinion that an extensive Reduction might be immediately effected in the existing Establishment, and with this view calls for a Report from me of the Nature and Length of the Services of the Officers now employed therein, in order that any Claim they may have to Remuneration in the event of their Services being discontinued may be taken into consideration; I have the Honour to state, that having turned my At-

(93.)

tention

No. 9.
Earl of Gosford
to
Lord Glenelg,
15th Feb. 1837.

No. 9.
Earl of Gosford
to
Lord Glenelg,
15th Feb. 1837.

tention to this Branch of the Subject, with the Object of giving effect to your Lordship's Views, I have, with the Advice of the Executive Council, arrived at the Conclusion that the Official Establishment of the Indian Department in this Province, which at present consists of Eight Officers, may be reduced One Half by the Omission of the Superintendent of Quebec*, the resident Agent at St. Regist†, and the Interpreters at Three Rivers‡ and Caughanawaga.§ I have accordingly caused it to be notified to these Gentlemen that their Offices will be discontinued from and after the 1st of October next, unless His Majesty's Government should think proper to make any other Arrangement. They were at the same Time informed that I would recommend that a suitable retired Allowance should be granted to them for their past Services.

The annual Retrenchment thus effected will amount to 627*l.*, or about One Half of the Expense of the present Establishment; but from this Sum must be deducted the Amount of retired Allowances which His Majesty may think fit to grant to the reduced Officers. I regret that I do not find myself competent at once to suggest what that Amount should be, but with your Lordship's Knowledge of the Rules observed in England in similar Cases, and the Statements in the Return which I have now the Honour to enclose of the Length and Nature of the Services of the several Officers on the Indian Establishment, and including those whose Reduction is proposed, you will be enabled to form a better Opinion than I can on this Point.

Enclosure No. 1.

Enclosure No. 2.

I also transmit herewith, as usual, an annual Estimate of the probable Expenditure of the Indian Establishment in Lower Canada for the Year ending 31st March 1838, which, including 250*l.* 14*s.* for Five Missionaries, 80*l.* 19*s.* 5*d.* for Four Schoolmasters, and 175*l.* 0*s.* 6*d.* for Pensions, amounts in the whole to 1,410*l.* 13*s.* 4*d.*; to this Sum must be added Half a Year's Amount of whatever retired Allowances it may be thought proper to grant to the Four reduced Officers, whose Salaries and other Emoluments, your Lordship will observe, have been calculated in the accompanying Estimate, only up to the 1st of October next, in accordance with the Views upon which I have acted.

It may not be irrelevant here to observe, that the total Expenditure on account of the Indian Department in this Province from the Year 1830 to the 30th of September 1836 (both inclusive) amounts to about 28,025*l.*, while the Sum appropriated out of the annual Parliamentary Grant for this Service within the same Period, at the Rate of 6,000*l.* a Year to the 31st of March 1834, and 4,500*l.* after that Date amounts to 36,750*l.*, showing an unexpended Balance of 8,725*l.*

Of this Sum about 7,923*l.* (the Saving effected up to the 31st March 1834) was, I believe, applied to diminish the Excess of Expenditure in Upper Canada. From that Time, however, the Practice of carrying the Savings of the Lower to the Account of the Upper Province was, I understand, discontinued, and only 4,500*l.* per Annum of the Parliamentary Grant allotted to this Province.

Having every Reason to be satisfied with the official Conduct of the Gentlemen whose Situations it is proposed to abolish, and believing that they have given equal Satisfaction to my Predecessors, I cannot close this Despatch without recommending their respective Cases for the liberal Consideration of His most Gracious Majesty.

I shall not fail to communicate with your Lordship on the remaining Topics embraced in your Despatch of the 14th of January 1836, as soon as I shall receive a final Report thereon from the Executive Council.

I have, &c.
(Signed) GOSFORD.

* Colonel Duchesnay.

† Solomon Y. Chesley.

‡ Joseph B. De Niverville.

§ Jervase Macomber.

IN THE BRITISH NORTH AMERICAN COLONIES.

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First Enclosure in No. 9.

RETURN of the LENGTH and NATURE of the SERVICES of the OFFICERS and INSPECTORS of the INDIAN DEPARTMENT of LOWER CANADA (computed to the 31st of March 1837 inclusive).

NAME.	EMPLOYMENT.	REMARKS.	Amount of Emoluments per Annum.	Length of Service.		
				Years.	Months.	Days.
Duncan Campbell Napier.	Secretary for Indian Affairs in Canada.	Employed as Assistant in the Military Secretary's Department at Quebec from the 17th August 1812 to the 24th Sept. 1825, and as Commissary of Transport at Montreal from the 25th Sept. to the 24th Dec. 1825; resigned the latter Situation on his Appointment to the Indian Department on the 25th Dec. 1825.	£ s. d. 250 0 0	24	7	14
James Hughes	Superintendent of Indians at Montreal.	Served as Captain of the Canadian Voyageurs from the 3d Oct. 1812 to the 3d April 1813; and as Resident in the Indian Department at Montreal from the 6th Feb. 1827 to the 24th June 1830; appointed Superintendent of Indians in the Montreal District on the 1st August 1833.	250 0 0	7	6	21
Louis Juchereau Duchesnay.	Superintendent of Indians at Quebec.	Appointed Resident in the Indian Department at Quebec on the 13th May 1823, and promoted to Superintendent of the Quebec District on the 22d March 1828; holds the Situation of Deputy Adjutant General of Militia of Lower Canada (with a Salary of 270 <i>l.</i> Sterling per Annum), together with his Appointment in the Indian Department.	250 0 0	—	—	—
Solomon Yeomans Chesley.	Resident in the Indian Department at St. Regis.	Served as Lieutenant and Interpreter in the Corps of embodied Indians from the 25th June 1814 to the 24th July 1815; and as Resident in the Indian Department at St. Regis since the 1st Sept. 1832.	157 0 0	5	8	—
Dominic Ducharme	Interpreter at the Lake of Two Mountains.	Served as Captain and Resident in the Indian Department, or with the embodied Indians, from the 15th Sept. 1812 to the 24th July 1815; and as Resident from the 25th July 1815 to the 24th Oct. 1816; employed as Interpreter to the Tribes at the Lake of the Two Mountains, from the 25th Oct. 1816 to the 24th Dec. 1822, and from the 25th Oct. 1823 to the present Time.	110 0 0	24	6	16
Bernard St. Germain	Interpreter at Montreal.	Served as extra Interpreter in the Indian Department from the 25th Sept. 1811 to the 14th Sept. 1812; and as Lieutenant in the same from the 15th Sept. 1812 to the 24th May 1813; employed as Captain and Resident in the Indian Department, or with the embodied Indians, from the 25th May 1813 to the 24th July 1815; and as Interpreter at Montreal from the 25th April to the 24th Oct. 1816, and from the 25th June 1817 to the present Period.	110 0 0	24	1	—
Jervase Macomber	Interpreter at Caughanawaga.	Employed as Lieutenant and Interpreter in the Indian Department, or with the embodied Indians, from the 11th May 1813 to the 24th July 1815, and as Interpreter to the Iroquois Tribe of Caughanawaga from the 25th Jan. 1828 to the present Date.	110 0 0	11	4	1
Joseph Boucher Niverville.	Interpreter at Three Rivers.	Employed as Lieutenant and Interpreter in the Indian Department, or with the embodied Indians, from the 25th Oct. 1812 to the 24th July 1815; and as Resident at the Post of Three Rivers from the 25th July 1815 to the 24th Oct. 1816; also as Interpreter at that Station from the 25th Oct. 1816 to the 24th Dec. 1822, and from the 25th Oct. 1823 to the present Time.	110 0 0	23	7	6
Amount Sterling			£ 1,347 0 0			

N.B.—The Appointments of Roman Catholic Missionaries and Schoolmasters to the Indian Tribes, being of a temporary Nature, are not included in this Return.

The Officers of the Corps of embodied Indians received the same Rates of Pay and Allowances during the War as the Officers of corresponding Rank in the regular Army.

Second Enclosure in No. 9.

ESTIMATE of the PROBABLE EXPENDITURE of the INDIAN DEPARTMENT in LOWER CANADA for its Establishment and Pensions, from the 1st of April 1837 to the 31st of March 1838, inclusive.

APPOINTMENTS.				STATIONS.	Pay and Lodging Allowance per Annum.	REMARKS.
					£ s. d.	
EFFECTIVE ESTABLISHMENT.	1 Secretary	-	-	Quebec	224 14 4	Exclusive of Rations of Provisions and Fuel issued in Kind by the Commissariat.
	1 Superintendent	-	-	Montreal District	216 14 4	
	2 Interpreters, at 96 <i>l.</i> 1 <i>s.</i> 8 <i>d.</i> each	-	-	Do. Do.	192 3 4	
	*Appointments proposed to be reduced, from 1st Oct. 1837	1 Superintendent	-	Quebec Do.	112 7 2	Ditto - Ditto.
		1 Resident	-	St. Regis	61 18 7	
		1 Interpreter	-	Three Rivers	48 0 10	
		1 Ditto	-	Caughanawaga	48 0 10	
	1 Roman Catholic Missionary	-	-	Ristigouche	69 12 10	Without Allowance of any Kind.
	1 Ditto	-	-	Lorette	46 8 6	
	1 Ditto	-	-	St. Francis	46 8 6	
	1 Ditto	-	-	Caughanawaga	46 8 6	
	1 Ditto	-	-	St. Regis	41 15 8	
	1 Schoolmaster	-	-	Caughanawaga	20 16 0	
	1 Ditto	-	-	St. Regis	20 16 0	
	1 Ditto	-	-	St. Francis	20 16 0	
	1 Ditto	-	-	Lorette	18 11 5	
Amount of Establishment, Sterling					1,235 12 10	
PENSIONS.				£ s. d.		
To the Widow of Captain de Montigny				27 17 2		
— Widow of Lieutenant-Colonel D'Eschambault				70 0 0		
— Widow of Schoolmaster Vincent				10 0 0		
— 1 Chief of Indian Tribe, for Wounds				21 13 4		
— 3 Warriors of Do. for Do. at 15 <i>l.</i> 3 <i>s.</i> 4 <i>d.</i> each				45 10 0		
					175 0 6	
TOTAL					1,410 13 4	This Sum will be increased by Half a Year's Amount of the Retired Allowances that may be granted to the Four Officers whose Situations it is proposed to abolish from the 1st Oct. 1837.

* It being proposed to abolish the Situations of these Four Officers from the 1st October 1837, their Pay and Lodging Allowance have been calculated only to that Date.

Quebec, 13th February 1837.

(Signed) D. C. NAPIER, S. J. A.

Approved,
(Signed) GOSFORD,
Governor in Chief.

By His Excellency's Command,
S. WALCOTT, Civil Secretary.

Sir,

Downing Street, 18th May 1837.

Sir George Grey's
Letter, 6th Jan. 1836.
Mr. Stephen, 12th Jan.
1837.
Mr. Stephen, 19th Jan.
1837.
Mr. Stephen, 24th Jan.
1837.
Mr. Stephen, 28th Feb.
1837.

No. 25. 15th Feb.

With reference to the Correspondence of the Dates mentioned in the Margin, I am directed by Lord Glenelg to transmit to you herewith, for the Consideration of the Lords Commissioners of the Treasury, the Copy of a Despatch from the Earl of Gosford, suggesting certain Reductions in the Indian Department in Lower Canada. In laying this Despatch before their Lordships I am to request that you will move them to inform Lord Glenelg of the Amount of Retirement Allowances which under all the Circumstances of the Case they would propose to grant to the Officers the Discontinuance of whose Services is suggested by Lord Gosford.

A. G. Spearman, Esq.
&c. &c. &c.

I have, &c.
(Signed)

No. 10.

(No. 65.)

COPY of a DESPATCH from the Earl of GOSFORD to Lord GLENELG.

No. 10.
Earl of Gosford
to
Lord Glenelg,
27th June 1837.

My Lord,

Castle of St. Lewis, Quebec, 27th June 1837.

WITH reference to your Despatch of the 20th of February last, No. 180., enclosing Extracts of a Letter from the Secretary of the Lords Commissioners of the Treasury requesting certain Information respecting the Indians and their Possessions in these Provinces, I have the Honour herewith to transmit the Answers that have been prepared by the Secretary for Indian Affairs to the several Heads of Inquiry proposed by the Lords of the Treasury, so far as relates to Lower Canada.

I have, &c.
(Signed) GOSFORD.

ANSWERS to the Queries proposed in a Letter from the Secretary to the Lords Commissioners of His Majesty's Treasury, transmitted with the Despatch of His Majesty's Secretary of State for the Colonial Department, No. 180., dated Downing Street, 20th February 1837, so far as relates to the Province of Lower Canada.

Enclosure.

First Query :—"The Number of Tribes and of Indians resident within
"the British Territory?"

Answer.—The Tribes under the Protection of the Government of Lower Canada are Seven in Number; namely, Iroquois, Algonquins, Nipissingues, Abenquois, Hurons, Amalicates, and Micmacs.

By the latest Returns they are estimated at Three thousand five hundred and seventy-five Souls, which, computing each Family on an Average to consist of Five Persons, give a Total of Seven hundred and fifteen Families.

Second Query :—"The Pursuits of each Tribe, with the Number of
"fixed Locations occupied by the Indians?"

Answer.—The principal Employments of the able-bodied Male Indians, for Nine or Ten Months of the Year, are Fishing and Hunting; the aged and least active Men and the Women attend to the Cultivation of the Land; the Women make up Mocassins, Snow Shoes, and fancy Articles of Bark Work, which they dispose of to the Inhabitants. Some Indians of the Iroquois Tribe find Employment during the Season of Navigation as Pilots to Timber Rafts and Bateaux through the dangerous Rapids of the St. Lawrence and Ottawa Rivers, but the Chiefs complain that in most Instances the Money earned in this Way is spent in Liquor by their young Men at Montreal (where they are paid) before they return to their respective Villages. There are Eight fixed Locations or Stations occupied by the Tribes in charge of the Indian Department of Lower Canada.

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Third

No. 10.
 Earl of Gosford
 to
 Lord Glenelg,
 27th June 1837

Enclosure.

Third Query :—"The Situation of the Locations of the settled Parties or of Hunting Grounds occupied by other Indians?"

Answer :—The Indian Villages or Stations in Lower Canada are as follows :

1. Caughnawaga on the Lake St. Louis, near Montreal.
2. St. Regis at the Head of Lake St. Francis, and on the Line which separates the Province from the State of New York.
3. At the Lake of the Two Mountains, about Thirty-six Miles North-west of Montreal.
4. St. Francis on the River of that Name.
5. Becancour on the River Becancour, and nearly opposite to the Town of Three Rivers.
6. La Jeune Lorette, Nine Miles North of Quebec.
7. The Amalicate Settlement, on the River Verte, about One hundred and forty Miles below Quebec.
8. Ristigouche, on the River of that Name, near the Head of Chaleur Bay.

The Hunting Grounds claimed by the Indians of Lower Canada comprise nearly the whole of the Waste Lands within the Limits of the Province; but the Hunters resort principally to the Neighbourhood of Lake Huron, and to the extensive Tract lying to the North of the Rivers Ottawa and St. Maurice and the Lake St. John.

Fourth Query :—"The Extent of the Lands set apart at the different Locations for the Use of the Indians or of the Hunting Ranges?"

Answer :—The Iroquois Tribe have reserved about Twelve thousand Acres in their Seigniorship at the Sault St. Louis, whereof they have Two thousand two hundred and thirty Acres under Cultivation; the Remainder is in a primeval State of Wilderness.

The Iroquois Indians of St. Regis possess the Township of Dundee in Lower Canada, and a Reserve of about Thirty thousand Acres of Land in Upper Canada, the greater Part of which they have leased to actual Settlers since the War.

In the former Location they cultivate about Three hundred and sixty-one Acres, and they have about Five hundred Acres of Wood Land and 3,000 *Arpents* unconceded. At the Lake of the Two Mountains the Indians cultivate the following Portions of Land, by Permission of the Priests who enjoy the Right of Seigniorship in that Property; viz. :—The Nipissingue Tribe, 50 Acres, Algonquin Tribe, 60 Acres, and Iroquois Tribe, 150 Acres.

The Abenagois Tribe of St. Francis are Proprietors of a Fief of nearly Twelve thousand Acres of Land in the Seigniorship of St. Francis; they cultivate about Two hundred and fifty Acres, and have reserved Four hundred Acres as Wood Land; the Remainder of the Fief is conceded to Farmers. The Heirs of about Twenty Families of this Tribe hold Eight thousand nine hundred Acres of Land, or thereabouts, in the Township of Durham, under Letters Patent granted in the Year 1805.

The Abenagois Indians of Becancour have about Fifty Acres of Land under Cultivation near their Village and they have about Seventy Acres of Wood Land.

The Huron Indians of La Jeune Lorette cultivate Seventy Acres of Land adjoining that Village and they have Forty Square Acres of Land in St. Gabriel.

By an Order of Council dated 28th May 1827, the Amalicate Indians obtained Three thousand Acres at the River Verte, but no Patent has yet issued to them.

It has been stated by the Superintendent at Quebec, that in the Year 1819 a Tract of Land was awarded to the Micmac Indians at Ristigouche by the Commissioners appointed under an Act of the Provincial Legislature to adjust all Claims to Lands within the District of Gaspé; but from more recent Information I have Reason to believe that the Claim of these Indians was rejected by the Commissioners, and that they are not now in Possession of any Land, and are among the most destitute of the Indians of this Province.

The Hunting Ranges claimed by the Indians of Lower Canada include the whole of the unsurveyed Lands; their Extent is not known.

Fifth

Fifth Query.—“ The Persons employed in the Superintendence of
“ the settled Indians or of the other Tribes, with their Desig-
“ nations and Salaries, and a Summary of the Duties they have
“ to perform ? ”

No. 10.
Earl of Gosford
to
Lord Glenelg,
27th June 1837.

Answer.—The Indian Department of Lower Canada is divided into Two Districts of the following Extent ; viz.,

Enclosure.

1. QUEBEC,

including all the Indians belonging to the Country from Three Rivers to Ristigouche, likewise the visiting Indians from Nova Scotia and New Brunswick ;

2. MONTREAL,

comprehending the Indians between Three Rivers and Upper Canada. The Duties of the Department in Peace are various and important ; it is essential that they should conciliate the Goodwill of the several Tribes, and possess their Confidence, hear and determine their endless Complaints and Difficulties, and, when necessary, report upon them to the Secretary in charge of the Department, for the Consideration of the Governor in Chief ; protect and support the Chiefs in preserving Subordination in their Tribes, and distribute in detail the Presents, Provisions, &c., which the Indians, through the Bounty of their great Father the King, have enjoyed ever since the Conquest in 1759. Much Discretion and Judgment are required for the faithful and satisfactory Discharge of those Duties. In War the Officers of the Department command the Indians, when embodied for Service in the Field, as Auxiliaries to His Majesty's regular Troops.

With reference to the Governor in Chief's Despatch to His Majesty's Secretary of State for the Colonial Department, No. 25., dated Castle St. Lewis, Quebec, 15th February 1837, recommending a Reduction of Four Officers in the Indian Department of Lower Canada, it is necessary to state, that from and after the 1st of October next the undernamed Persons only are to be employed in the Superintendence of the Indian Tribes in this Province ; namely, at

QUEBEC,

Lieutenant Colonel Napier, Secretary for Indian Affairs, and superintending the Department, with Salary and Allowance for Lodgings amounting to 224*l.* 14*s.* 4*d.* Sterling per Annum ; at

MONTREAL,

Captain Hughes, Superintendent of the Tribes in the Montreal District, with Salary and Allowance for Lodgings amounting to 216*l.* 14*s.* 4*d.* Sterling ;

Captain St. Germain, Interpreter at the same Station, with Salary, &c. amounting to 96*l.* 1*s.* 8*d.* Sterling ;

Captain Ducharme, resident Interpreter at the Lake of the Two Mountains, with Salary, &c. amounting to 96*l.* 1*s.* 8*d.* Sterling.

The Secretary is stationed at the Seat of Government, and is charged with the whole of the official Business of the Department. He is required to maintain a general Supervision over the several Tribes of Indians of Lower Canada, as well as over the Persons employed in their Superintendence ; to attend to the Representations of the Chiefs ; to remedy their Grievances as far as may be practicable ; to protect them in the Enjoyment of their Lands and Possessions ; to keep a strict Watch over the Agents entrusted with the Management of the joint Property of each Tribe ; to inspect the Accounts and Vouchers of the Agents, and to prevent the unauthorized Expenditure of any Portion of the Indian Funds ; to visit the elementary Schools established by Government at certain Villages, and to ascertain the Progress made by the Indian Children in their Education, at least once in each Year ; to see that the Provincial Ordinances in relation to the Indians are duly enforced, and to submit to the Governor in Chief such Representations on these several Points as may be necessary ; also to carry into effect his Lordship's Commands thereon.

From and after 1st of October 1837 the Secretary will likewise be charged with the immediate Superintendence of the Indians within the District of Quebec.

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The

No. 10.
Earl of Gosford
to
Lord Glenelg,
27th June 1837.

Enclosure.

The Superintendent at Montreal has under his Charge the several Tribes at the Villages of Caughanawaga, St. Regis, the Lake of the Two Mountains, and St. Francis. He conducts the Issue of the annual Presents, &c. to each Tribe, upon Estimates previously examined by the Secretary for Indian Affairs, and submitted for the Approval of the Governor in Chief. He is required to make frequent Visits to the Stations in his District, to assist the Chiefs in preserving Peace and good Order in their Tribes, and to prepare and transmit to the Secretary on the 31st of December in each Year a statistical Return of the Villages under his Superintendence.

The Interpreter at Montreal assists the Superintendent in his several Duties; he is required to attend occasionally in the Court of King's Bench of that District to interpret the Evidence of Indian Witnesses, and also to hold himself disposable for Duty in any Part of the Province.

The Interpreter attached to the Algonquin and Nipissingue Tribes at the Lake of the Two Mountains is charged with all the Duties incident at that Station.

Sixth Query :—" The Number and Description of the Clergy and
" Teachers attached to each Tribe or Party?"

Answer.—There are Five Roman Catholic Missionaries and Four Schoolmasters attached to the Indian Tribes of Lower Canada; viz., One Missionary with the Micmac Tribe of Ristigouche; One Missionary and One Schoolmaster with the Huron Tribe of La Jeune Lorette; One Missionary and One Schoolmaster with the Abenquois Tribe of St. Francis; One Missionary and One Schoolmaster with the Iroquois Indians of Caughanawaga; and One Missionary and One Schoolmaster with the Branch of the Iroquois Tribe at St. Regis.

Exclusive of the Instruction afforded by the Schoolmasters at the Villages above mentioned, Twelve Indian Youths are receiving Education at the public Expense at the Chateauguay School, under the Direction of Mr. Charles Forest, with a view to their being qualified to instruct their Brethren in the English Language; and as this Experiment has succeeded hitherto far beyond the reasonable Expectations of the Persons who originated the Measure, and the School is about to be removed to St. John's, where, exclusive of a common Education, it is intended that the Pupils shall receive Instruction in practical Husbandry and Gardening, it is submitted that the Number might with Advantage be increased to Twenty-four Boys.

Seventh Query :—" Whether the Expenses of the Tribe or Party are
" defrayed from the Parliamentary Grant, or from the Land
" Payments out of the Territorial Revenue of the Crown?"

Answer.—The whole of the Expenses incurred on account of the Indians of Lower Canada are defrayed from the Parliamentary Grant.

The Claims of the Algonquin and Nipissingue Tribes to be indemnified from the Territorial Revenue of the Crown (like their Brethren of Upper Canada) for certain Portions of their Hunting Grounds which have been occupied for the Purpose of Settlement are under the Consideration of the Executive Council at Quebec; should they be allowed, it is possible that other Tribes who possess similar Claims upon the local Government, under the Royal Proclamation dated at Saint James's, 7th October 1763, will apply for Compensation.

All which is most humbly and respectfully submitted to His Excellency the Governor in Chief.

Quebec, Lower Canada,
29th May 1837.

D. C. NAPIER,
Secretary, Indian Affairs.

No. 11.

(No. 71.)

COPY of a DESPATCH from the Earl of GOSFORD to Lord GLENELG.

My Lord,

Castle of St. Lewis, Quebec, 13th July 1837.

WITH reference to your Lordship's Despatch of the 14th of January 1836, No. 39., on the Subject of gradually diminishing the Expenditure incurred on account of the Indians in these Provinces, and of commuting the Presents now issued to them for Money Payments, and with reference to my Despatches of the 6th of January and 15th of February last, Nos. 3. and 25., I have now the Honour to transmit for your Consideration a Report of the Executive Council, to whom, as I have in a former Communication stated, I referred the Matter. I also transmit Two Reports of Mr. Commissary General Routh, and several other Documents which were before the Council while considering this Subject, making in the whole Twenty-two Enclosures to this Despatch.

I have approved of the Report of the Council, which, as your Lordship will perceive, is averse to the Discontinuance of the System of issuing Presents until the Indians shall be raised to a Capacity of maintaining themselves on an Equality with the rest of the Population of the Province. Its other principal Features are—

1st, The recommending, as suggested by the Commissary General, a different Kind of Clothing to be distributed for that hitherto supplied. This Recommendation I had the Honour to bring under your Lordship's Notice in my Despatch of the 6th of January last, No. 3.

2dly, The Substitution of Agricultural Implements for Trinkets and Ornaments, and the Discontinuance of the Issue of Fire Arms and Ammunition, except to the old Hunters, or such adult Indians as shall have become Settlers in the Forest.

3dly, That the wandering Indians, about 125 in Number, who resort here annually for Presents, should cease to receive them after the ensuing Year, unless they choose to settle and cultivate the Soil in some Part of this Province. With a view of giving Effect to this Recommendation, I have directed Measures to be taken for affording to these Indians as early an Intimation as possible of the proposed Alteration.

4thly, It deprecates the Proposal for commuting the Presents for Money Payments, as not only entirely repugnant to the Wishes of the Indians, but as fraught with Mischief and Degradation to the whole Race.

5thly, The Report next strongly recommends the Establishment and Maintenance of Schools, in which Instruction shall be given as well in the Rudiments of Education as in Agriculture and some of the Handicrafts, and the English as well as the French Language taught; and to promote these Objects it is suggested for Consideration whether some of the Medals or Ornaments now given as Presents might not be converted into Prizes for Proficiency in these Pursuits; and whether it might not be advisable to make the Gift of Presents to the Indians and their Families conditional on their sending their Children to such Schools. Of so much Importance did I consider this Branch of the Subject, that before the Report was made I did not hesitate to sanction and set in operation an Agricultural School and Experimental Farm near St. John's for Indian Youths; a Plan which was brought under my Notice by a Mr. Plenderleath Christie, a Gentleman of Property here, who appears to take a lively Interest in the Welfare of the Indians, and which is, as your Lordship will observe, recommended by the Council. I have also, as they suggest, instructed the Officers of the Indian Department to inquire and report in what Places and Manner Establishments of a similar Nature might be best formed.

6thly, The Report then advances to the Consideration of a Question of primary Importance in conducting the Experiment for inducing the Indians to change their present for more civilized Habits of Life, namely their Settlement; and after glancing at the Advantages and Disadvantages of locating them in separate Masses, or sprinkling them over Tracts already peopled, recommends that compact Settlements should be formed of such as may be so disposed upon Lands not very remote from existing Settlements, allowing, how-

(93.)

No. 11.

Earl of Gosford
to
Lord Glenelg,
13th July 1837.

Enclosure No. 1.
13th June 1837.

Enclosures Nos. 4 & 5
27th Nov. 1835 and
28th April 1836.

See Enclosures Nos. 7,
8, 9, 10, and 11.
July and August 1837.

See Enclosures
Nos. 19, 20, 21, & 22.

ever,

No. 11.
Earl of Gosford
to
Lord Glenelg,
19th July 1837.

ever, those that may be willing to take separate Locations elsewhere, to follow their own Choice, and giving them Agricultural Implements, but no other Description of Presents.

And, 7thly, The Report closes with some Account of the different Tribes of Indians in this Province, and of their Possessions, and recommends that certain Portions of Land should be reserved in specified Parts of the Province for such of the Tribes as appear to need such an Augmentation of their Property. I have accordingly given the necessary Directions to the Crown Land Department not to dispose of the Tracts thus pointed out until the Pleasure of His Majesty's Government be known on the Subject.

Vide Report, Page 31.

While speaking of the Possessions of the Iroquois Tribe at St. Regis, the Report alludes to a Treaty now in progress between them and the Government of Upper Canada for the Surrender to the latter, for an Annuity of 200*l.*, of a large Portion of the Possessions of the Tribe situated on the opposite Shore of the St. Lawrence in that Province, and submits whether more advantageous Terms might not be obtained for the Extinction of the Indian Title. I shall therefore transmit a Copy of the Report for the Information of Sir Francis Head, and invite his particular Attention to that Part of it.

Your Lordship will observe, that all the Steps I have taken respecting the Recommendations contained in the Report (with the Exception of establishing the Experimental School at St. John's) are merely of a preparatory Nature, and adopted with a view to carry them as early as possible into effect, should they meet with your Lordship's Sanction; if, on the other hand, they fail to obtain this, no Inconvenience will result from what I have directed to be done.

(Signed) I have, &c.
GOSFORD.

SCHEDULE of ENCLOSURES to DESPATCH from the Earl of Gosford, dated 13th July 1837 (No. 71.), relative to the Management of the Indian Tribes in Lower Canada.

No.	Date.	From.	To.	Remarks.
1.	13th June 1837	Executive Council - -	The Earl of Gosford - -	General Report.
2.	15th July 1830	Sir James Kempt - -	Indian Chiefs - -	Speech confirming Presents.
3.	— 1835	- - - -	- - - -	Return of Presents issued in 1835.
4.	27th Nov. —	Commissary General -	The Earl of Gosford - -	On Discontinuance of Presents.
5.	28th April 1836	Ditto - -	Ditto - -	Ditto.
6.	13th July —	Civil Secretary - -	Secretary, Indian Affairs -	Calling for Information.
7.	27th — —	Chiefs at St. Regis -	Ditto - -	Replies of the different Tribes to the Proposal for commuting their Presents into Money Payments.
8.	30th — —	Do. at St. Francis -		
9.	3d Aug. —	Do. Two Mountains -		
10.	6th — —	Do. Caughnawaga -		
11.	22d — —	Superintendent, Quebec -	Ditto - -	Report.
12.	20th — —	Do. Montreal -	Ditto - -	Do.
13.	1st Oct. —	Commissary General -	A. Y. Spearman, Esq. -	Do.
14.	7th — —	Civil Secretary - -	Chairman of Executive Council {	Calling for a Report from the Council.
15.	12th Dec. —	Secretary, Indian Affairs -	Ditto - -	Answer to Queries of Executive Council.
16.	28th Jan. 1837	T. F. Elliot, Esq. - -	A. Stewart, Esq. - -	Reply of Commissioners to Petition of Lorette Indians.
17.	3d Feb. —	Chiefs in Montreal District	The Earl of Gosford - -	Petition for Continuance of Presents.
18.	— {	Do. of Algonquins and Nippissingues - -	Ditto - -	Petition respecting Hunting Grounds.
19.	23d Mar. 1837	W. P. Christie, Esq. -	Secretary, Indian Affairs -	Respecting Establishment of the School and Experimental Farm near St. John's.
20.	1st April —			
21.	3d — —			
22.	30th May —			

Enclosure in No. 11.

To His Excellency the Earl of Gosford, Captain General and Governor in Chief of the Province of Lower Canada, &c. &c. &c.

Report of a Committee of the Executive Council, present the Honourable Mr. Smith, Mr. De Lacy, Mr. Stewart, and Mr. Cochran, on your Excellency's Reference of the 7th October 1836, respecting the Indian Department.

No. 11.
Earl of Gosford
to
Lord Glenelg,
13th July 1837.
Enclosure No. 1.

May it please your Excellency,

The Committee have at different Periods had under their Consideration your Excellency's Reference of the 7th October last, accompanying the Copy of a Despatch from His Majesty's Secretary of State for the Colonies, respecting the Arrangements proper to be made for diminishing and ultimately suppressing the Expense hitherto incurred by His Majesty's Government in furnishing Presents to the Indians in the Province, and for adopting some System of beneficial Management with respect to Part of the Population of the Province. The Committee have obtained Returns and Information from various Sources as to the System heretofore pursued towards the Indians, as to their Numbers, their Territorial Possessions or Claims, their Habits and Views; and have received the Opinions of those Individuals who are best competent to judge as to the Operation of the new Regulations which it is proposed to apply to them; and having given to the whole Subject that mature Deliberation which its great Importance and Difficulty demand, they now humbly submit to your Excellency's Wisdom the Conclusion at which they have arrived.

The general Questions presented for Consideration by the Despatch from His Majesty's Secretary of State may be stated to be:—

First, Whether the Presents now supplied to the Indians may not be diminished in Amount, with a view to ultimate Abolition of the Practice.

Secondly, Whether, with such view, a Commutation of the Presents may not in the meantime take place, either for Money Payments or for other Articles; and upon this Head, whether in effecting such Commutation some System may not be gradually substituted for educating the Indians, and for training them to Agriculture.

His Majesty's Secretary of State appears to be justly impressed with the Opinion that the long subsisting Relations between His Majesty's Government and the Indians have been such as to render an entire Discontinuance of the Presents an Act of Injustice and Impolicy, unless effected in the Way of Commutation, and with the entire Consent of the Indians themselves.

The Committee would not have felt it necessary to enter upon a Consideration of the absolute Claims of the Indians upon the King's Government for Protection, and to a certain Extent Support, but that they perceive by the Correspondence of Commissary General Routh, to which the Secretary of State attaches deserved Weight, that that Officer recommends the entire Discontinuance of the Presents after a Period to be presently fixed, except as to a limited Number of those now above Thirty Years of Age, and the Secretary of State also appears to contemplate the Possibility of wholly relieving the Government of this Expense during the Existence of the present Race of Indians.

The Committee therefore deem it their Duty to express in the strongest Manner their Conviction, that good Faith, Justice, and Humanity alike forbid the Discontinuance of the Presents until the Indians shall be raised to a Capacity of maintaining themselves on an Equality with the rest of the Population of the Province.

Although the Indians have no express Agreement with the King's Government to refer to which entitles them to a Continuance of this Kind and Extent of Support, the whole Tenor of the Conduct observed towards them since the Year 1759 has led them to such an Expectation; nor were there wanting public Acts to confirm it; for besides their having been at all Times treated by the British Government as Allies or Dependents in the Continental Wars since that Period, by the Royal Proclamation of 1763 the Lands held or claimed by them within the Province of Quebec were in an especial Manner taken under the Administration of the Crown for their Benefit, and such particular Precautions were enjoined with respect to the Disposal of them as showed that the Crown felt itself bound to secure to the Indians their ordinary Means of Subsistence.

This public Instrument was formally communicated to the Indians of Canada by the Officer who had a few Years before been appointed for their special Superintendence; and that they have since regarded it as a solemn Pledge of the King's Protection of their Interests is proved by the Claim of the Algonquin and Nipissing Indians to be maintained in the Possession of their remaining Hunting Grounds on the Ottawa River, which your Excellency has referred to the Committee, and in support of which those Tribes have exhibited an authenticated Copy of this Royal Proclamation as promulgated to them in 1763 by the Superintendent General.

Had the Regulations so prescribed by the Crown been in former Times more strictly obeyed, the Indians of this Province would in some material respects have been less wretched and dependent than they now are. But the System of Presents which has prevailed from that Period was not only viewed by them as a Compensation for the more substantial Advantages of Territory which they saw passing from them, but was accepted also as a Proof of the continued Protection of the Crown; and the Committee conceive likewise that this System, by fostering their natural Improvidence, by estranging them from

No. 11.
 Earl of Gosford
 to
 Lord Glenelg,
 13th July 1837.
 ———
 Enclosure No. 1.
 ———

the ordinary Pursuits and Industry of civilized Life, and by teaching them to consider themselves as under the special Tutelage of the Crown, and in dependence upon it, has further strengthened their Claim to a Continuance of it until they shall be raised above the helpless Condition to which it has mainly contributed to depress them. The Committee also respectfully represent, that until this Change has taken place it would not, as they conceive, be just to the Inhabitants of this Province to throw upon them the Burthen of supporting a Race of indigent People whom the Policy of Government has kept apart from the rest of the Society, has trained in an Aversion to Labour, and has in a measure incapacitated from becoming useful Members of the Community.

The Returns accompanying your Excellency's Reference show that the Indian Population of the Province amounts to about *Three thousand* Souls, of whom very few are in a Condition to live by their own Labour; and it may be viewed as a Proof of the evil Tendency of the System under which the Race has hitherto been permitted to live, that their Numbers have not increased, as appears by Returns to which the Committee have had Access, for the last Fifty Years; though by far the greater Part of them have during that Time been domiciliated, and they have not been thinned by War, or Want, or Disease, more than the rest of the Population of the Province.

Without adopting the Conclusion that the Indian Race is doomed to Extinction by natural Causes, the Committee would advert also to the Fact, which is proved by the same Returns, that the average Number of Children living from each Indian Marriage does not exceed Five for Four married Couple, and a large Proportion even of these being Half-caste, while in the rest of the Population of the Province it is at least Four to each Marriage, thus furnishing another Proof that powerful external Causes have been in operation to keep them below the Level of their Fellow Men.

The Committee, in advising against the Discontinuance of Presents at any early Period, do not so much advert to their actual Value to the Indians, though to them that Value is not inconsiderable, as to the moral Effect of the System on their Character and Habits; and they are firmly impressed with the Belief that no extensive Change of those Habits can be counted upon in that Part of the present Generation of Indians who have grown up to Manhood, and that from these the Presents ought not to be withdrawn, unless in those rare individual Cases where Indians may have applied themselves to Industry, and have become independent of such Aid.

The Committee would however recommend the Adoption of the Suggestion of Commissary General Routh, that a different Description of Clothing should be substituted for that hitherto supplied, in order that the Indians may be led to adopt more generally the European Mode of Dress; and the Committee are of opinion that this Change should apply both to the Male and Female Indians.

It would also be desirable, both with a view to this End, and as a Measure of Economy, that the Trinkets and Ornaments hitherto furnished should be discontinued; that the Presents of this Description now in Store, to the Amount of between 2,000*l.* and 3,000*l.*, should be sold (with the Reserve hereafter mentioned); and that Agricultural Implements and Tools should be provided to be given to such Indians as shall show an Inclination for Agricultural Pursuits or other Employments. With the same View, the Committee would think it advisable that no Fire-arms or Ammunition should in future be distributed to them, except to the old Hunters, or to such adult Indians as shall have become Settlers in the Forest.

The Committee also concur with Commissary General Routh in recommending that the Presents hitherto given to the wandering Micmac and other Indians, chiefly from Nova Scotia and New Brunswick, who resort annually to the Neighbourhood of Quebec, to the Number of about 125 in all, should after the ensuing Year be discontinued. But it is recommended that they should receive early Intimation of such Intention; and that the Execution of it should be suspended, if, upon Option and Opportunity being afforded them, they should settle and cultivate the Soil in some suitable Situation on the Waste Lands of the Crown, in which Case those so settling might continue to enjoy the same Advantages as other Indians in the Province.

With respect to a Commutation of the Presents for Money, the Committee only think it necessary to state that they entirely concur in the Sentiments formerly expressed to His Majesty's Government on this Head by the Earl of Dalhousie and Sir James Kempt, while administering the Government of this Province; and that if those Sentiments require any Confirmation it would be found to the fullest Extent in the universal Disapprobation with which the Suggestion has been received by the Indians themselves, as appears by the Answers given by their Chiefs in various Councils held during the last Year. The Committee trust therefore that the Idea of such a Commutation will be wholly abandoned by His Majesty's Government, as fraught with Mischief and Degradation to the Indian Race.

Believing it however to be the bounden Duty with respect to the Condition of the Indians as to Education, the Committee regret to believe that it is not such as might have been expected from the peculiar Control, Influence, and Resources which the Government has so long had it in its Power to apply to the Promotion of this essential Object.

Before the Conquest of this Country the Indians were under the especial Care and Direction of the Jesuit Missionaries, who had collected some of the Tribes into the Cantons which now exist, obtained Grants of Land for them from the French Crown, to be applied to their Education and Civilization, and became themselves their Instructors in so much of the

the Knowledge and Arts of Life as they thought it advisable to impart to them. But since the Cession of the Province to Great Britain, when the Crown succeeded to the Position which the Jesuits had formerly occupied in respect to the Indians, no Advance has been made, if indeed Ground has not been lost, in Indian Education.

Believing it however to be incumbent on the State to prepare the younger Generation of Indians for another and more useful Mode of Life, the Committee would earnestly press upon His Majesty's Government the Necessity of establishing and maintaining Schools among them in which the Rudiments of Education shall be taught, joined, if possible, with Instruction in Agriculture and some of the Handicrafts; and in order to promote these Objects it is submitted whether some of the Medals or Ornaments now given as Presents might not be reserved, and hereafter be converted into Prizes for Proficiency in Learning, or for Industry and Success in Agriculture.

But though in natural Capacity, in Docility, and the Faculty of Observation, the Indians do not yield to any Race of Men, perhaps even possess some Advantages in these respects, a considerable Time must probably elapse before ancient Habits and Prepossessions can be so far broken through that they will become sensible of the Benefits of such Training for their Children. It may therefore be necessary to make it a Condition of their continuing to receive Presents either for themselves or their Families, that they should send their Children to such Schools; and it may be hoped that the Clergy will lend their Aid in recommending and enforcing the Measure, as a necessary Part of any Plan for assimilating the Indians as much and as soon as possible to the rest of the Inhabitants of the Province.

The Committee conceive that they must be gradually led to drop the general Use of their peculiar Dialects; and since even those Indians who are settled in Communities on their own Lands are every Year becoming more and more surrounded or mixed up with an English Population, and this must in a still greater Degree be the Case with respect to such as shall hereafter be placed upon Land in other Parts of the Province, the Committee for this and other Reasons consider it important that in such Schools as may be established the Indian Youth should be taught the English as well as the French Language.

The Expense of maintaining an ordinary School in each of the Six principal Communities of resident Indians would not exceed 50*l.* per Annum, and the Cost of erecting Schoolhouses, with the Assistance of the Indians, would not probably be beyond 40*l.* or 50*l.* in each Settlement, and the whole Expenditure might, it is believed, be met by the Changes and Reductions which, as suggested by Commissary Routh, and by Mr. Hughes, the Superintendent at Montreal, may be made in some Descriptions of Presents, or by an improved Management of the Landed Property which some of those Communities possess.

The Committee have given particular Attention to the Plan suggested by Mr. Plenderleath Christie for establishing an Agricultural School and Experimental Farm near St. John's for Indian Youths; and, although they do not anticipate that such an Establishment would, according to that Gentleman's Calculations, yield a Profit, or that in the Outset it would even entirely pay its Expenses, they do not believe it would be attended with any considerable Amount of Loss, and they would strongly recommend that Encouragement should be given to the Measure to the Extent solicited by Mr. Christie.

They are also of opinion that a similar Establishment might with great Advantage be formed at some of the Settlements where the Indians have still in their Management large Tracts of Land; and they would recommend that the Officers of the Indian Department should be called upon to inquire and report in what Places and Manner such Establishments might best be formed.

It may however be proper that the Committee should first notice the Objections which they found stated in Sir Francis Head's Despatch to Lord Glenelg, and which strike at the Foundation of any Scheme for civilizing the Indians, and attaching them to Agriculture; viz. "That the Attempts to make Farmers of them have hitherto in general failed, and that "congregating them for the Purposes of Civilization has produced in them more Vices than "it has eradicated."

The Committee cannot admit the Belief, that in the Order of Providence any Race of Men are doomed to an Exclusion from those Advantages of social Improvement and Advancement which the Light of Knowledge and of Religion has uniformly bestowed on the rest of Mankind. In the intellectual or moral Condition of the Indian, except as modified by accidental Influences, they recognize nothing to unfit him from rising to a Level with his Brethren of the European Race.

Those Influences which have operated against him have proceeded from a long and fatal Neglect of those who should have watched over his Improvement, of the proper Means of raising him in the Scale of Civilization; or rather, he has been the Victim of a vicious System positively calculated to depress and degrade him.

The Vices attributed to the Indians as the Result of Attempts to civilize them have been none other than have ever been found even in the most savage and uncultivated Forms of Life. But, even in spite of all the Disadvantages inflicted on them, the Indians have not failed to afford sufficient Evidence, in various Instances, of their Capacity for the ordinary Pursuits and Arts of Life, and of their Readiness to enter upon them when Opportunity and Encouragement were afforded.

Without resorting for Proof to the successful Experiment of the Moravians among aboriginal Tribes in Labrador and elsewhere, far more unfavourably situated than those of

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Canada, the Committee have only to refer to the Returns laid before them by your Excellency to show that many of the Indians in this Province have applied themselves to Agriculture, and now subsist by it, either wholly or in part, and they believe that what has been done by some may, under the like Circumstances, be done by all.

The Committee advert particularly to the Statement made by the Secretary for Indian Affairs (in answer to Queries addressed to him by the Committee) respecting the Iroquois of Sault St. Louis and the Abenakis of St. Francis, of which latter Tribe several Families maintain themselves wholly by Agriculture, though their Lands are of an inferior Description. It is also a known Fact that other Indians, quitting their Villages or ordinary Haunts, have become Settlers, sometimes purchasing Land or taking Concessions among the European Settlers in other Parts of the Province.

The Committee therefore dismiss, as equally against Reason and Experience, the Apprehension that the Attempt to bring the Indians into agricultural and settled Habits must fail, because some Experiments made with this view have heretofore, under particular Circumstances, failed. But with respect to the Detail of Measures to be pursued for attaining this End the Committee are duly sensible of the Difficulties which the Case presents.

In endeavouring to accomplish the Change it is necessary to consider what Lands can be found for them when they are prepared to settle, and whether they should be placed, as they now generally are, in distinct Cantons, or dispersed among the Population of European Origin.

In Upper Canada, as appears by the Despatches of Sir Francis B. Head, of which your Excellency has given Communication to the Committee, the extensive Tracts of valuable Land which that Province still contains far away from any Settlement, and the large Revenues which are secured to the Indians for the Purchase of their former Possessions, render it a Matter of less Difficulty than in Lower Canada to determine where and how the Indians may best be placed if a Removal of them takes place.

In this Province the Indians who have not already sufficient Land for their Support could not obtain Land suitable for Settlement except in Situations too much out of the Reach of the necessary Superintendence, and they must for a Time be maintained at the Public Expense.

With respect to the Difficulty as to the best Mode of settling them, whether in Communities, as they now are, or by dispersing them, the Committee submit that each Plan has its peculiar Advantages and Disadvantages. If kept together they are less likely soon to quit their old and adopt new Habits, and their Proneness to Dissipation and Idleness may impede their Progress in Industry; while on the other hand, if dispersed among or near the new Settlements, it will be more difficult to protect them from Fraud, to watch over and aid their Progress, and to provide for the Education of their Children, and they might probably become disheartened among a strange Population.

Upon the whole, however, it would seem to the Committee to be more advisable to endeavour to form compact Settlements of such as may be so disposed upon Lands not very remote from older Settlements, allowing, however, such as may be willing to take separate Locations elsewhere to follow their own Choice, and giving them agricultural Implements, but no other Description of Presents.

The Committee have thought it important to ascertain how far the present landed Property of the Indian Tribes could be made available in any Scheme for settling them in agricultural Pursuits; and they proceed to lay before your Excellency the Results of their Inquiries, with such Suggestions and Observations as the Facts seem to justify.

Appendix A.

The Tabular Statement annexed to this Report will show at one View the Numbers of the Indian Population of this Province, the Extent of the Possessions of the respective Tribes, and the Resources which they thence derive at present for their Support.

1st, The Iroquois of Sault St. Louis, with a Population of 932 Souls, own a Seignior which was granted to the Jesuits in 1680 for the Conversion, Instruction, and Subsistence of this Tribe, and contains a Surface of Twenty-one Square Miles, or about 40,000 Acres. Of this Property the far greater Part has been conceded on the seignioral Tenure at the ordinary low Rate of seignioral Rent; but the Tract reserved by the Indians for their own Use contains 20,000 Acres, of which, however, only 2,230 Acres are cultivated, chiefly by the old Men and Women of the Tribe, for the common Benefit; and the Produce for 1835, as stated in a Return before the Committee, may at a moderate Estimate be valued at 750*l.* or 800*l.* Although the conceded Land on the Front of the Seignior is of indifferent Quality, the Rear is represented as better adapted for Agriculture. And as the seignioral Dues and Profits, which amount to about 200*l.* per Annum, added to the Value of the Produce of their Labour, as above stated, and the Annuity of 62*l.* 10*s.* received by them from the State of New York as Compensation for Land surrendered by them, form an aggregate Income of nearly 1,000*l.* per Annum, the Committee conceive, that with these Advantages, and by educating the younger Indians in Habits of Industry, by encouraging the Tribe to cultivate more extensively their reserved Tracts, and by allowing no further Concessions to be made of their unconceded Land, the Indians of this Settlement might in a few Years be made in a great measure if not wholly independent of the Supply of Presents.

That these might be continued only to such as from Age, Infirmary, or other Causes might be incapable of maintaining themselves, and that at no very distant Period the
 seignioral

seigniorial Revenues of the Tract might be applied as a Fund solely for these latter Objects, and for Education of Youth.

2dly, The Indians of St. Regis belonging to the same Iroquois Tribe, but numbering only 381 Souls, occupy a Tract in that Vicinity of about 21,000 Acres of Land of excellent Soil, and also possess a large Reservation on the opposite Shore of the St. Lawrence in Upper Canada, and several Islands in the River, the whole amounting in both Provinces to about 50,000 Acres.

To these Tracts they have no other Title than their ancient Occupancy of them as a Part of their former Hunting Grounds, confirmed by the Royal Proclamation of 1763. The greater Part of the Tract in this Province appears to have been leased by the Indians, with the Sanction of Government, for Periods varying from Thirty to Ninety-nine Years, and at low Rents, which on an Average of Five Years before 1835 produced an Income of 350*l*.

Of the Tract of 3,000 Acres which has been reserved for their own Use they have but 360 Acres under Cultivation, and to very little Advantage. Nearly the whole of the Upper Canada Reservation also having been leased by the Chiefs for 999 Years, it is stated by the Secretary for Indian Affairs that the Government of that Province are now in Treaty with the Indians for the Surrender of the whole of this Reserve for an Annuity of 200*l*.

Seeing that in 1814 the Rents of this Tract amounted to 150*l*., and that the Sufficiency of the Titles of the Occupants, except those of recent Date, might admit of Question, the Committee would submit to your Excellency whether more advantageous Terms might not be obtained from the Government of Upper Canada for the Extinction of the Indian Title. But even with the Annuity of 200*l*., and the Rents of their Lands, and the Produce of their Labour, those Indians, considering their small Numbers, the Extent and Value of their Tract, and the short Period of the more recent Leases, may be considered as in still more advantageous Circumstances than their Brethren of Sault St. Louis for providing in course of Time for their own Subsistence.

The Committee beg leave respectfully to refer to the Observations which they have above submitted with respect to the Indians of that Settlement as for the most part applicable to those of St. Regis. They would also suggest the Expediency of reserving all the Land of the St. Regis Tract now unleased, and all the Lots of which the Leases shall fall in or become forfeited, for the future Occupation of the Indians themselves; and they also submit whether, as the Land reserved for the Iroquois of St. Regis under the Proclamation of 1763 formed Part of the ancient Hunting Grounds which before that Time were common to the whole Iroquois Tribe, those who are settled at Sault St. Louis might not be considered entitled to share in the Advantages of the St. Regis Reservation, or its Revenues, if from their greater Numbers any Necessity for such Participation should hereafter arise.

3dly, The Abenaki Indians, about 330 Souls, possess seigniorial Tracts of Land of inferior Quality on the River St. Francis to the Extent of about 12,000 Acres, under ancient Grants or Donations; and they have also a Tract of 8,900 Acres in the Township of Durham, granted by the Crown in Free and Common Socage in the Year 1805 to Seventeen Families of this Tribe, on condition of not alienating or leasing any Part of it; and they own or claim several Islands in the River St. Francis. But their principal Settlement is on the seigniorial Land, where Fourteen of these Indians have taken Concessions from their Tribe, and become Farmers on their own Account alone, without working for the common Stock.

The rest of these Indians cultivate in common only 260 Acres of Land, and the whole Revenue derived by them from their seigniorial Tract scarcely exceeds 60*l* per Annum. It appears also that, contrary to the express Terms of the Patent, several of the Lots granted in the Township of Durham to some of the Tribe have been leased to discharged Soldiers and others (only Five or Six Indian Families residing occasionally in that Township), and the Persons who have thus settled on their Lands have petitioned the Government to be allowed to purchase the Lots, or hold them at a Quit Rent, and that other Lands should be assigned as Hunting Grounds for the Tribe. The Committee would have been disposed to think with Commissary General Routh that the Abenakis of St. Francis ought with common Industry to be able to support themselves, if the Lands in the Township of Durham, which are known to be valuable, were not the Property of certain Families only of the Tribe; but as the Revenues of the seigniorial Land will not suffice for the Support of the Remainder, even in a State of Pauperism, the Committee think it advisable that Measures should be taken to prevent any further Alienation both of the Township Lands and of the unconceded Parts of the Fiefs, to encourage the younger Indians to settle on those Portions which remain unalienated, and to resume those which have been leased in the Township, or compel the Occupants of them, under Penalty of such Resumption, to come into some Arrangement more advantageous to the Indians than the Terms on which they now hold them. And to those of the Tribe who may be induced to take Land, and for whom it cannot be found in the Seigniority, they would suggest that a Portion of the Waste Lands of the Crown should, if practicable, be assigned in that Part of the Province near to the Sources of the St. Francis and Becancour, formerly a Part of the old Hunting Grounds of this Nation; and in this Recommendation the Committee would also include—

4thly, The Indians of the same Tribe residing at Becancour, about 130 in Number, who now have but a small Tract of Land in that Neighbourhood in their Possession, of which

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they cultivate only Fifty Acres, the Produce of which for the Year 1835 could not be valued at more than 70*l.* or 75*l.*; nor do they appear to have any other fixed Resources, except the Presents they receive from Government.

5thly, The Iroquois, Algonquins, and Nipissings, collected, under the spiritual Care of the Priests of the Seminary of Montreal, at the Lake of the Two Mountains, and forming altogether a Population of 864 Souls, have no Land in their actual Possession, except about 260 Acres of sterile Soil, which they occupy by the Permission of the Seminary, the Possessors of the Seigniory.

The Circumstances of these Tribes appear to the Committee to demand the peculiar Attention of Government. Having done good Service in the Field in aid of His Majesty's Arms, both during the former and the late War with the United States, they are now among the most helpless and destitute of the Indians of Lower Canada. They have laid before your Excellency a Claim to be maintained in the Enjoyment of the Residue of their Hunting Grounds on the Ottawa River not as yet comprised in Settlements and Townships, and to be compensated for that Part which has been taken from them for those Purposes by the Crown.

The Claim of these Indians comprises a Tract of Country on each Side of the Ottawa River reaching from the last seigniorial Grant for some Hundreds of Miles upwards; and they ask that, besides receiving Compensation for that Portion of this Territory which the Crown has granted away or the White Population has occupied, they may be protected in the Enjoyment of the Remainder against further Encroachments or Grants.

There appears no Reason to doubt that under the French Government the Hunting Grounds of these Nations may have covered the whole Extent which they now describe, and that their Right so to use it, was as little disputed and as well defined as any of the territorial Rights of the other Indian Tribes.

These Petitioners now appeal to the Terms of the Royal Proclamation of 1763; and it appears to the Committee that, as that Act of State has been considered sufficient to guarantee to the Iroquois of St. Regis the Possession of their present Reservation, to which it is stated that they had no other Right than as a Part of their ancient Hunting Grounds, the Algonquin and Nipissing Tribes may have some Ground to complain if they are deprived of the Benefit of the same Protection for their Claims. They have brought forward their Pretensions on various Occasions; and it is to be inferred from some of the Documents which they produce in support of their Application, that their Right to Compensation was at least in one instance distinctly admitted by Lord Dorchester.

The Committee however conceive that the Claims of these and indeed of all the Indian Tribes in respect of their former territorial Possessions are at the present Day to be resolved into an equitable Right to be compensated for the Loss of Lands from which in former Times they derived their Subsistence, and which may have been taken by Government for the Purposes of Settlement, and that the Measure of such Compensation should be to place and maintain them in a Condition of at least equal Advantage with that which they would have enjoyed in their former State.

Viewing in this Manner the Claim now made by the Tribes in question, the Committee recommend that a sufficient Tract of Land should be set apart for them in the Rear of the present Range of Townships on the Ottawa River; and that such of them as may from Time to Time be disposed to settle on Land should be located there, and that both they and the rest of these Tribes should continue to receive such Support, Encouragement, and Assistance as may supply the Place of their former Means of Subsistence, and at the same Time prepare and lead them to a State of Independence of further Aid.

6thly, The Huron Indians of Lorette near this City (about 220 in Number) possess only a Field of about Thirty Acres adjoining their Village, which they cultivate in common, and the Produce of which, in 1835, may be valued at about Eighty Pounds; and they have also a Tract not far distant, of about 1,600 Arpents, in the Seigniory of St. Gabrielle, which is still chiefly in a wilderness State.

Upwards of Two Centuries have elapsed since the Jesuits induced a Number of Families of this Tribe to quit their Hunting Grounds and their savage Habits, and to place themselves under their Protection, for the Purposes of Religious Instruction, in a Settlement formed first at Sillery and afterwards at Lorette. By the Intermixture of White Blood they have now so lost the original Purity of Race that they cannot properly be considered as Indians; but they are not the less distinct in Habits and Character from the surrounding Population, and, as they have hitherto been treated as Indians, the Committee conceive that they are to be brought within any Change of System that may now be in contemplation.

The Claims so often preferred by them to the Seigniory of Sillery having been renewed before His Majesty's Commissioners of Inquiry, and having been rejected by them in the Report which your Excellency has communicated to the Committee, these Indians have now neither territorial Possessions nor Claim beyond the Tracts above specified, which are manifestly insufficient for their Support.

Adverting, however, to that Part of the Report of His Majesty's Commissioners in which it is recommended that Garden Lots near the Village should be provided for the Indians resident there, the Committee beg leave to observe, that the Field of Thirty Acres above mentioned, immediately adjacent to the Village, not only appears to afford them sufficient Space, but is actually used by them for that Purpose, and that others of them have at
 different

different Periods obtained Emplacements near the Village, or taken Concessions elsewhere. Several of them having employed themselves in Agriculture, some partially, and others with Steadiness and Success, there appears to be Ground to hope that others may be led by sufficient Encouragement to follow their Example; and as the Tract reserved for them in the Seigniory of St. Gabriel will not suffice for more than Sixteen Families, the Committee recommend that an adequate Quantity of Land be assigned to this Tribe in the Tract recently surveyed and laid out for Sale and Settlement adjoining to that Seigniory, or in any other more favourable Situation to which it may be found that they are willing to remove.

7thly, Of the Algonquins of the District of Three Rivers, amounting to about Seventy Souls, it appears that Two Families have settled on Farms in the Seigniory of Batiscau; but the rest have no Lands or other fixed Resources for their Support except the Presents they receive; and the Committee are of opinion that whatever Measures are adopted with respect to the Abenakis of Becaneven may include this Tribe, who are in most respects similarly circumstanced.

8thly, The small Tribe of the Tête de Boule Indians, about Thirty in Number, whose Hunting Grounds, which they only quit to receive their Presents, are far up the St. Maurice River, and who still live in a savage and vagrant State, may, as it appears to the Committee, be classed with the wandering Micmacs and others already noticed, and be dealt with in the same Manner.

9thly, The Settlement of the Amalicate Indians in 1829 on the Rivière Verte in this District, and consisting now of about Thirty or Forty Persons, appears to the Committee to deserve separate Notice on account of the Circumstances connected with it.

The wandering Indians of this Tribe were collected there in 1828, to the Number of about 140, under the Directions of the Earl of Dalhousie, with the Hope, founded on their Character and Habits, that they might be induced to fix themselves to the Cultivation of the Soil. Three thousand Acres of Land were assigned to them, divided into Lots of One hundred Acres for each Family; Provisions and Seed were supplied to them in 1829 and 1830, at an Expense not exceeding 80*l*.; and it appears that in the first Year of their Labours they cleared and cropped about Seventy Acres of Land, and obtained a good Return; but many of them have since deserted their Lands and returned to their wandering Habits. And as the Committee do not find that the Settlement has ever been visited since 1829, and no Return of the Numbers still residing there has been given since 1833, the Committee cannot obtain such Information of the present State of the Settlement as would warrant any positive Conclusion as to the Success or Failure of the Experiment; but from the Circumstances, just stated, which show that these Indians were left very much to themselves without sufficient Superintendence, and from the Fact that some Families still remain on the Land, the Committee do not see reason to think that a fair Chance of Success was afforded to the Settlement in its Progress, or that its apparent Failure would justify the entire Abandonment of it. They would therefore suggest the Expediency of endeavouring to induce the Indians who have left their Lands to return to them, and of continuing that Superintendence, Support, and Encouragement which it was no doubt the Intention of the Earl of Dalhousie to afford, and without which no Attempt to settle the Indians upon Land can ever succeed.

10thly, It only remains for the Committee to notice the Situation of the Indians of the Micmac Tribe living at Ristigouche and elsewhere in the District of Gaspé, respecting whom, however, they have not been able to obtain any more particular Information than that they are about 430 in Number, and that they have not received Presents or other Aid from Government since 1831.

It has been stated to the Committee by the Secretary of the Indian Department, upon the Information of the Superintendent at Quebec, that a large Tract of Land was adjudged to these Indians by the Commissioners appointed under an Act of Legislature in 1819 for settling Land Claims in the District of Gaspé; but the Committee, on Investigation, find the Claim of the Indians was rejected by the Commissioners; and they have reason to believe that this Tribe, having accepted a Commutation in 1788 for their former Rights, are not now in Possession of any Land, and are among the most destitute of the Indians of this Province. The Committee conceive that a suitable Tract or Tracts of Land might easily be found in the Rear of the present Grants in that District, on which, if so disposed, they might be placed; but, considering the Remoteness of their Situation, and the consequent Difficulty of exercising any Superintendence or Care over them when so settled, the Committee would deem it more advisable, if practicable, to withdraw them altogether from that Part of the Country, and allot them Lands either in the Neighbourhood of their Brethren of the Amalicate Tribe or elsewhere nearer to the Capital.

In concluding the Suggestions which the Committee have respectfully to submit to your Excellency upon the important and extensive Subject referred to them, they think it right to observe in general that in the Recommendations which they have offered, they assume that the Indians must continue to be, as they have hitherto been, under the peculiar Care and Management of the Crown; to which, whether under French or English Dominion,

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they have been taught exclusively to look for paternal Protection in compensation for the Rights and Independence which they have lost.

Until Circumstances make it expedient that they should be turned over by the Crown to the Provincial Legislature and receive Legislative Provision and Care, the Committee conceive that all Arrangements with respect to them must be made under the immediate Direction of His Majesty's Government, and carried into effect under the Supervision of Officers appointed by it.

The Measures which the Committee have recommended, and without which, or others founded on the same Principles, they are of opinion that no effectual Change or Amelioration can take place in the Condition of the Indians, it would require considerable Time and Expense to give them their full Effect. The Committee believe, however, that the Adoption of them will ultimately rather reduce than increase the Expense now incurred, will give it a more beneficial Application and Tendency, and will open better Prospects for its final Abolition.

The Committee have, in a former Report, recommended the Suppression of some of the Offices connected with the Indian Department; but if the Arrangements proposed, or any other Plan for bringing the Indians to a more independent and settled Mode of Life, should be sanctioned by His Majesty's Government, the Committee would consider the present Establishment to be no more than sufficient in the Outset for carrying such Measures into effect under the System of constant Superintendence, both general and local, which they consider to be essentially necessary to the Success of the Attempt.

The Committee think it proper also to advert to the Difficulty arising from the Circumstance that the Indians of some of the settled Communities before mentioned hold and cultivate their Lands in common, the Effect of which must be, that in many Cases the idle and undeserving will be supported by the Labour of the more industrious.

But the Committee conceive that this ill Consequence might be prevented or counteracted by Regulations to be adopted under the Sanction of Government, for the Purpose of making a Distinction between the industrious and the idle, both in sharing the Benefits of the fixed Revenues and in the Distribution of Presents or such other Advantages as may be continued to the Indians. The Committee would also suggest that the reserved Lands might, with the Consent of the Chiefs and Councils of the Tribes, or under the Authority of Government alone, and as a Condition of their receiving Presents, be partitioned among the Families of each Tribe, subject to Conditions of Improvement; and that under the same, and through the same Means, other Regulations might be made, with the Concurrence of the Indians, for securing individual Rights in the Lands so allotted, if it shall be considered that the Provisions of the existing Laws do not apply to them.

The Committee have however to state, that by an Act passed in 1831 the Inhabitants of that Part of the Indian Reservation of St. Regis which was then known as the Township of Dundee have been brought in all respects under the Operation of the existing Laws of the Province, and that the Indians of that Settlement who may become Settlers in that Tract will necessarily come within the Effect of this Statute.

The Committee are of opinion, that, as a necessary Part of any Change in the Management and in the Condition of the Indians, the existing Institutions and Authority of their Chiefs and Councils (standing on ancient Usage alone) must either be greatly modified or gradually but totally extinguished, without which the important Point cannot be attained of teaching the Indians to feel and value personal Independence both in Property and Conduct.

But on this and on various other Points of Detail the Committee are sensible of the Difficulty of offering any more than general Suggestions; and they feel the Impossibility of either providing for or foreseeing many Obstacles which must present themselves, but which the Committee believe will not be found insurmountable, in effecting that Change in the Relations of the Indians to the rest of Society, and in their Character and Habits, which the most urgent Motives of Humanity and Policy seem to demand.

All which is respectfully submitted to your Excellency's Wisdom.

Council Chambers, Quebec,
 13th June 1837.

By Order,
 (Signed) WM. SMITH,
 Chairman.

Appendix (A.)

SCHEDULE showing the Number of Indians in Lower Canada, the Extent of Lands owned by them, and their Means of Subsistence.

	Men.	Women.	Children under 14 Years.	Total.	Total Extent of Lands owned by them.	Land under Cultivation.	Probable Revenue.
No. 1. Iroquois of Sault St. Louis -	268	283	381	982	40,000 Acres, Seigniori of St. Louis.	2,230 Acres	750 <i>l.</i> or 800 <i>l.</i>
No. 2. Iroquois of St. Regis -	105	109	167	381	50,000 Acres, St. Regis Reservation.	360 Acres	350 <i>l.</i>
No. 3. Abenagois of St. Francis -	98	111	221	330	12,000 Acres on the River St. Francis, and 8,900 in the Township of Durham.	250 Acres	60 <i>l.</i>
No. 4. Abenagois of Three Rivers	35	44	40	129	- - - - -	50 Acres	70 <i>l.</i> or 75 <i>l.</i>
No. 5. Algonquins -	87	94	117	298	260 Acres in the Seigniori of the Lake of the Two Mountains.	—	—
Nipissings -	79	95	90	264			
Iroquois of the Lake of the Two Mountains.	86	101	113	300			
No. 6. Hurons of Lorette -	63	78	78	219	1,640 in Lorette and 1,600 Acres in the Seigniori of St. Gabrielle	40 Acres	80 <i>l.</i>
No. 7. Algonquins of the District of Three Rivers.	22	28	21	71	—	—	—
No. 8. Tête de Boule Indians -	9	6	13	28	—	—	—
No. 9. Amalicates of Rivière Verte Settlement.	35	33	37	105	3,000 Acres Rivière Verte Settlement.	70 Acres	—
No. 10. Micmacs of Ristigouch and Gaspé.	138	143	149	430	—	—	—
Wandering Amalicates, Micmacs, and others.	33	33	32	98	—	—	—

Enclosure 2. in No. 11.

Copy of a Speech delivered by Lieutenant Colonel Cooper, Military Secretary, by Command of His Excellency Sir James Kempt, addressed to the Chiefs of the Micmac, Huron, Amalicate, and Abenagois Indians at Quebec, on the 15th July 1830.

Enclosure No. 2.

Brethren,

I am commanded by your Father in Quebec to express His Excellency's great Concern to learn that you have been instigated by some designing and evil-disposed Persons to believe, that the Presents allowed to you by the Bounty of your Great Father beyond the Salt Lake are withheld from you by the Officers of the Indian Department; and I now deliver to you, by His Excellency's Command, Lists of the Equipment or Presents established for the Tribes in Lower Canada, which were formed by your Friend the late Sir John Johnson in the Year 1821, and approved by your Great Father, in order that you may henceforward be thoroughly acquainted with the Nature and Quantity of Presents to which *you are annually entitled.*

You will perceive by those Lists, that when employed in War, when wounded in Battle, or if you have performed any other distinguished Service, you receive Presents of far more Value than those which are issued to you in Peace; and such is the Case with all other Warriors who serve the King our common Father; in War they receive full Pay and high Rewards, but when Peace renders their Service no longer necessary they retire to their Homes, with no other Recompense than small Pensions or Half Pay.

Your Father will at all Times be happy to render any Assistance in his Power to old, infirm or distressed Indians, and to issue to you from Time to Time such Guns and other Articles of extra Presents as he may think you deserve; but you are aware that His Excellency cannot issue to you a greater Portion of Presents than is received from England for that Purpose, and for the last Nine Years they have been sent out and issued to you upon the Scale which your Friend Sir John Johnson framed.

Your Father has been informed by the Superintendent that the Issue of a certain Number of Guns would now be very serviceable to you, and that a Portion of Cloth, Caddies, Molton, Ratteen, Strouds, Needles, and Sewing Thread would greatly contribute to your Comfort; His Excellency will therefore direct some Guns to be now delivered to you, and he will request your Great Father to add all the other Articles to the List of Presents *which you annually derive from his Bounty*, but as none of those Articles are in store at present they cannot be issued to you during this Year.

(Signed) GEORGE COOPER,
Military Secretary.

Enclosure 3. in No. 11.
RETURN of INDIANS residing at the under-mentioned VILLAGES in LOWER CANADA to whom PRESENTS were issued in the Year 1835.

PLACES of RESIDENCE and TRIBES.	FULL EQUIPMENT.			COMMON EQUIPMENT.							TOTAL.						
	Chiefs wounded in Action.	Warriors Do.	Wives and Widows of Do. Do.	Chiefs.	Warriors.	Wives and Widows of Do. Do.	Boys.			Girls.							
							10 to 15 Years of Age.	5 to 9 Years of Age.	1 to 4 Years of Age.	10 to 14 Years of Age.		5 to 9 Years of Age.	1 to 4 Years of Age.				
Sault St. Louis	-	-	-	Iroquois	-	-	-	18	246	274	46	53	115	46	59	90	951
Saint Regis	-	-	-	Do.	-	-	-	11	84	101	24	26	38	15	22	25	350
Saint Francis	-	-	-	Abenquois	1	1	4	10	95	114	20	21	28	7	30	31	362
Lake of the Two Mountains	-	-	-	{ Nipissingues Algonquins Iroquois	-	-	4	3	71	81	17	25	7	11	16	21	256
	-	-	1		1	82	95	16	17	17	21	14	20	284			
	-	-	-		3	84	90	16	20	14	15	16	23	281			
Lorette	-	-	-	Hurons	-	-	-	6	60	73	3	8	15	5	15	26	211
Wanderers at Port Levy	-	-	-	Different Tribes	-	-	-	1	16	14	3	2	5	1	5	4	51
Do. Chief Denis Laporte	-	-	-	Micmacs	-	-	-	1	31	30	5	1	-	1	3	3	75
Becancour	-	-	-	-	-	1	1	7	33	45	4	8	11	3	8	7	127
Three Rivers	-	-	-	-	-	-	-	5	17	23	4	3	4	4	1	6	67
St. Maurice River	-	-	-	Têtes de Boules	-	-	-	1	5	5	-	-	-	1	-	1	13
					1	3	16	67	824	945	158	184	255	129	189	257	3,028

Men - 895— Women - 961 — Children - 1,172. ——— TOTAL - 3,028.

Enclosure 4. in No. 11.

Commissariat, Canada, Quebec,
27th November 1835.

No. 11.
Earl of Gosford
to
Lord Glenelg,
13th July 1837.

Enclosure No. 4.

My Lord,

I have the Honour to address your Lordship on the Subject of the Indian Expenditure placed under your Lordship's Control in this Province; and I venture to bring under your Consideration the Fact that nothing in the present Arrangement of this Expenditure holds out a Prospect of its future Extinction, but, on the contrary, the System now in operation of issuing Presents to the Indians and to their Families, tends rather to its Increase than to any progressive Diminution.

I cannot believe that the Practice of distributing Presents to visiting Indians can lead to any Benefit either to them or to the Public, being rather an Encouragement to Idleness and wandering Habits, inducing them to undertake long Journeys from great Distances for no proportionate Advantage, and certainly adding to the Difficulty of settling their Tribes.

I beg your Lordship to judge if this Custom may not safely be abandoned, at least after a Year's Notice.

It likewise appears to me that there ought to be a Line drawn in the Distribution of Presents to Children. The Half-cast have no legitimate Claim, and might be discontinued at once; and with respect to the others, I imagine that it would not be unreasonable to determine a Date at which the Issues to all Children should cease, and I beg to suggest for your Lordship's Consideration the Question of comprising in this Date the able-bodied Men under Thirty Years of Age.

Thus, after your Lordship shall have determined this Date, there will remain only a given Number, viz. all those above the Age of Thirty Years, a List that will gradually diminish, and who might be considered as authorized to receive the annual Presents during their Lives.

But in this Suggestion I do not mean to propose any Reduction of the Sum now assigned to the Maintenance of Schools and Education, and to which Agricultural Implements and Seed may occasionally be added.

I beg to point out to your Lordship, that these Indians, living in a civilized Country, surrounded by Incentives to Industry and Exertion, are encouraged, by the Description of Presents distributed amongst them, to maintain their Indian Habits, their Costume, and their hunting Excursions, and that it is almost impossible to expect any Reform in Usages so long established, by continuing a System which was only framed and adapted to their wild and savage State.

By the Issue of Articles to keep up their old Costume, and the Powder, Ball and Shot, and Guns, for their hunting, we maintain all those Recollections which have so much Influence over them, and indispose them so strongly to the Pursuits of Agriculture or civilized Life.

My Opinions lead to this Conclusion, that it would be expedient to issue to the Indian a Pair of Trowsers and a round double-breasted Frock Coat, called by them a Capote, of the Description of Cloth named "Strouds," with a good striped Cotton Shirt, all ready made, and a Three Point Blanket, and occasionally a Pair of Shoes.

As regards the Women, it is not quite so easy to propose any Change in their Dress, as their Vanity is interested in the Preservation of their present Costume. The Equipment, therefore, to them must continue to be Three Yards of Strouds, Three Yards of good White Calico (the Quality of the Factory Cotton being found so inferior), and a Two and a Half Point Blanket.

My own Ideas lead me to recommend the Discontinuance of the Tobacco, the Ball, Shot, Gunpowder, and Guns, or at all events to class them as extra Presents; but I leave this Question open for the Judgment of your Lordship; and perhaps it may be an Act of prudent Generosity to continue them to the few and aged Individuals who will remain on the List.

The main Effect which I hope from this Change, independent of its Economy, is to separate them by Degrees from their Indian Habits, and to assimilate them to the rest of the Population.

I beg further to submit to your Lordship an Abuse which appears to me to have crept of late Years into this Service, and which is not known in Upper Canada, of issuing Presents to the Roman Catholic Missionaries. These Gentlemen receive an annual Salary, varying from 40*l.* to 70*l.* Sterling, and ought not in propriety to be classed amongst the Indians in their Charge, who only are entitled to Presents. If a further Remuneration is required for them it ought to be granted in any other Shape.

In conclusion, I venture to suggest to your Lordship, that the Date to which I have alluded for the Termination of the Issue of Presents to Children, and all able-bodied Indians under Thirty Years of Age in Lower Canada, should not, after due Notice, be less than Three or more than Five Years, and that the new Equipment should commence as soon as the necessary Preparations can be made.

All these are Subjects for your Lordship's Consideration, which I respectfully submit to you, and which I have thought it my Duty to bring under your Notice, in attention to the pressing

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pressing Demands which are making for the Reduction of this Expenditure, and to the Opinion which I entertain that the Object of His Majesty's Government for the Civilization of the Indians in Lower Canada will be facilitated by their Adoption.

To His Excellency the Right Hon. the
 Earl of Gosford, &c. &c. &c.

I have, &c.
 (Signed) R. J. ROUTH, C. G.

Enclosure 5. in No. 11.

Enclosure No. 5.
 ———

My Lord,

Commissariat, Canada, Quebec, 28th April 1836.

In obedience to the Instructions of the Right Honourable my Lords Commissioners of His Majesty's Treasury, I have the Honour to lay before your Lordship a further Report in relation to the Duties of the Indian Department, and to the Grounds on which I believe the Period to be arrived when a Measure may be adopted leading to the gradual Extinction of this Expenditure.

In order to exhibit to your Lordship the Reasoning on which I come to this Conclusion, it is necessary, in the first instance, to enumerate the Numbers and Positions of the several Tribes in Lower Canada, with their present Means and future Prospects.

The Iroquois are the largest Tribe in the Lower Province, and occupy the Villages of Caughanawaga and St. Regis, both situated most advantageously on the St. Lawrence.

The former, numbering 932, are the Proprietors of the valuable Seigniory of Soult St. Louis, consisting of Three Leagues and a Half in Length of Front on the River, and Two Leagues in Depth, with a Reserve Domain for their own Use of 20,000 Acres and a seigniorial Mill. Nearly Three Fourths of this Seigniory is conceded, the first Concessions at a very low Rate, but the last are at a fair Price, and the Lods et Ventes are becoming considerable. The Village of Caughanawaga is particularly well situated. The Indians are chiefly employed as Pilots through the La Chine Rapids, on Rafts conveying Timber to Montreal, and as Boatmen, &c. in the North West.

There is a Ferry opposite the Village, which forms the Communication between the States and Montreal when the more direct Line between that City and La Prairie is interrupted.

These Indians, with their natural Advantages of Position and their extensive Property, ought to provide amply for their Wants out of their own Resources; and if they fail in doing so, the Fault is in their own Mismanagement, or in the Temptation which the annual Presents offer to old Habits of Indolence.

There is one marked Defect in the internal System or Constitution of all the Indian Tribes, who hold their Property in common as a Body, and not individually; and I conceive that any Subdivision of it would have a greater Tendency to encourage their Settlement and Civilization than any other Measure.

The Iroquois of St. Regis, situated in the Lake St. Francis on the River St. Lawrence, in Number 363, possess about 15,000 Acres of Land in free and common Soccage in the Township of Dundee, of which 13,300 Acres are leased out at 15s. to 25s. per 100 Acres; and on the opposite Shore a Tract between the Counties of Stormont and Glengarry in Upper Canada, about 36,000 Acres called the Indian Reservation, of which 25,000 Acres are granted on Lease at 12s. 6d. per 100 Acres; and likewise Nine Islands in the St. Lawrence, containing 2,300 Acres or thereabouts.

The Boundary Line of the United States runs through the Village, so that One Half are American Indians, and the other Indians of Lower Canada, but of course they are by Turns whichever of the Two may at the Moment be found most convenient.

The Property of this Branch of the Iroquois Tribe is even more valuable than the former with reference to their Numbers, and they ought to be independent of all Assistance.

On the Lake of the Two Mountains situated on the River Ottawa, about Thirty-five Miles above Montreal, there are Three Tribes, a Branch of the Iroquois about 280, the Algenquins about 304, and the Nippissings about 260, numbering together about 840 Individuals, the Majority of whom are Women and Children.

These are the most necessitous Tribes. They have about 260 Acres under Cultivation in small Patches, but the Quality of the Land is bad, and held from the Priests of St. Sulpice. Their Village is respectable, with a handsome Church.

A great Part of these Tribes are employed in hunting, and go as far as Lakes Nippissing and Superior, disposing of their Fur to an Agent of the Hudson's Bay Company resident in their Village, and who supplies them in advance with the Necessaries for their Excursions, which are for the most Part undertaken during the Winter Season. During the Summer I understand that they pay a good deal of Attention to the Cultivation of their Lands. Some of these Indians, chiefly of the Iroquois Tribe, are employed as Pilots and Raftsmen to the Rafts which come down the Ottawa, through the Rideau Canal, and by the Falls of the Chaudiere.

The Abinaquois, situated below Pierreville near the Mouth of the River St. Francis, and at no great Distance from the Lake St. Peter on the St. Lawrence, and numbering about 330,

330, are the Proprietors of a Fief of some Extent, the conceded Lots producing an annual Revenue of about 50*l*. Currency, with Forty Lots unconceded, which they cultivate. A Part of this Tribe, consisting of about Twenty Families, are Proprietors of 8,150 Acres of very valuable Land in the Township of Durham, which they hold in free and common Soccage.

This Tribe, with common Industry and Management, ought not to require the Assistance of Government.

There is another Branch of the same Tribe situated on the Becan Cour, numbering about 129, who have about Fifty Acres under Cultivation, but have no other Lands than that in which their Village stands.

This Branch is of course, therefore, much more necessitous than the preceding. They usually receive their Presents at Three Rivers at the same Time with a Branch of the Algonquine and Tetes de Bouli; the former numbering about Sixty-six, and having a small Village in the District of Three Rivers, and about Forty Acres under Cultivation; the latter Hunters on the St. Maurice, about Twenty-one in Number, without any Village or fixed Residence.

The Huron Tribe occupy the Village of Lorrette, and are in Number about 213, Two Thirds of whom are Women and Children. This Village is prettily situated on the Falls of the River St. Charles, with an excellent Road leading to Quebec, distant about Nine Miles. They have little more Land than the Emplacement on which their Village stands, having about Seventy Acres under Cultivation. Their chief Employment consists in the Manufacture of Mocassins, Snow Shoes, &c. for the Quebec Market, and in hunting and fishing.

Besides these, who are resident Indians, there is a wandering or visiting Tribe of Micmacs, who, I believe, though the Fact is doubtful, come from New Brunswick and the State of Maine, and usually visit Quebec in the Months of August and September. I cannot perceive any possible Good that can result to either Party from these Issues; and on this Subject I refer to my previous Report of the 27th Nov. 1835, and recommend that after a reasonable Notice they should be discontinued.

A Motive which is often urged in favour of this Expenditure is the Assistance of the Indians as Allies. Their Assemblages are a Kind of tumultuary Concourse, with little System or Discipline, formidable only from the Exercise of those ferocious Passions which it would be a Reproach to a civilized Nation to encourage or revive. They are almost more inconvenient as Allies than alarming as Enemies, in which Character the chief Effect is in the Terror of their Name. Their Assistance cannot be timed, nor their Perseverance relied upon; and they consume all the advanced Depôts, collected at a great Expense in a new Country, seriously deranging the Movements of regular Troops. But in fact the bold reckless Character of Indian Warriors exists no longer in Lower Canada; with their long Residence amongst Europeans this Quality degenerates, and leaves only its Excesses; and it is also to be borne in mind, that these warlike Habits are in direct Opposition to the Plan of moral Settlement and Civilization proposed by His Majesty's Government.

It is stated, also, that it would be ungenerous to suspend the Issue of these Presents in consequence of its long established Usage; but if during that Period a Change of Circumstances has conferred a new Value on their Property, still increasing in a more rapid Ratio; if new Channels of Industry are opened, which promise more Stability than their old Hunting Grounds; on what Principle should we, so much to their own Disadvantage, feed these Attachments, which ought to change with the Times, or by ill-adapted Donations keep alive Recollections in contradiction with every thing around them? If the Indians are only to be Indians, they must retire to the Forest; but if they are to continue in the Midst of our Establishments, they must become a Part of our Civilization, instead of interrupting its Progress; and mere Presents, without an Object, by rendering Exertion less necessary, are only an Encouragement to Sloth.

I know there are many who, from long Residence, from Connexions with these Interests, or received Impressions, look forward with Alarm to any Change in this Custom; but I do not think they have acquired a just Estimate of the altered Circumstances here, or the Force of Opinion and public Inquiry at home; an Influence which is extending itself to every Feeling and Institution. These may, however, be sufficient Grounds for weighing cautiously my Suggestions, notwithstanding my Conviction that it is an unprofitable Outlay to any Interest, either to the Government or to the Object on which it is lavished; and that it is the very Spirit of this Tutelage to fetter and arrest every Effort of Improvement.

I now recapitulate, for your Lordship's better Recollection of these Details, the Suggestions which I venture to recommend:—

That Notice should be given to the Micmacs, the wandering Tribe which visits Quebec in the Month of August, that the Issues to them will be discontinued after this Year.

That, with the Year 1839, the Issues of Presents to the permanent List should commence; that this List should comprise the old, the necessitous, and the helpless, to be recommended by the Indian Department for the Approval of the Governor in Chief, for I fear it would be difficult to ascertain their Ages as a Criterion, and not to exceed 750 Individuals; and this Selection to be only once made, and to entail no subsequent Nominations.

(93.)

That

No. 11.
Earl of Gosford
to
Lord Glenelg.
13th July 1837.

Enclosure No. 5.

No. 11.
 Earl of Gosford
 to
 Lord Glenelg,
 13th July 1837.
 Enclosure No. 5.

That the Equipment should consist as follows, viz. :—

To the Men,—	
A round double-breasted Frock Coat,	} Ready made of Strouds.
A Pair of Trowsers,	
Two striped Cotton Shirts.	
A Three Point Blanket.	
A Hat.	
To the Women,—	
Three Yards of Strouds.	
Three Yards of good White Calico.	
A Two and a Half Point Blanket.	
A Hat.	

But without any Issue of Guns, Ball, Shot, Powder, or Tobacco to either.

That the Schools should continue to be maintained, and likewise the Salaries to the Priests, for the present; and all Actions at Law in defence of the Rights or Property of the Indians to be defrayed by the British Government, all their Property being vested in the Crown, though the Enjoyment and Occupation of it are secured to them and to their Descendants.

That a Sum, not exceeding 3,000*l.* Sterling, (being Half the late annual Expenditure,) should be placed at the Disposal of the Governor in Chief, as a final Satisfaction or Gratuity to those Indians not included in the permanent List. This Sum, however, not to be issued in Money, but employed in some useful Outlay, under His Excellency's Discrimination; such, for instance, as the repair of the Seigniorial Mill at Caughnawaga, in small Additions of Land to other Tribes, or in any other productive Investment.

That Agricultural Implements and Seed should occasionally be distributed; and if Competition could thereby be encouraged, that Agricultural Premiums or Medals should annually be awarded under the Authority of the Governor.

That the present Secretary of the Indian Department of Lower Canada should be retained, at his present Salary, to assist in these Details, under the Impression that it may become a Subject of Consideration hereafter to transfer this Gentleman's Services to the permanent Establishment of the Commissariat, if his Exertions should be found satisfactory to the Lords Commissioners of His Majesty's Treasury.

That One or Two Interpreters should be retained for a given Time, according to Circumstances.

That, at the Close of the Year 1838, the present Duties of the Officers and others now employed in the Indian Department, with the Exception herein mentioned, should cease and determine, subject to such Gratuities or Retirements as His Majesty's Government may judge proper to authorize; and that the remaining Duties should, from that Date, be transferred to the Commissariat.

In obedience to the Instructions of the Right Honourable my Lords Commissioners of His Majesty's Treasury, I thus lay before your Lordship the Outline of a Plan which I conceive to be feasible, and not unjust,—gradual in its Process, and compromising no Pledge, direct or understood,—tending, in my Opinion, to awaken the Character of the Indian to a Sense of Improvement, and relieving the British Public from a heavy Expense, no longer applicable, under the Change of Circumstances, to the same Object for which it was originally undertaken.

His Excellency the Right Honourable
 the Earl of Gosford,
 &c. &c. &c.

I have, &c.
 (Signed) R. J. ROUTH, C. G.

Enclosure 6. in No. 11.

Enclosure No. 6.

Sir,

Castle St. Lewis, Quebec, 13th July 1836.

As I learn from various Sources that this is the Period when the Means of Communication between the Indian Department and the Chiefs of the Indian Tribes within this Province is attended with the greatest Facility, I have selected it as the most proper for giving effect to the Commands which I have received from the Governor in Chief to obtain correct Information for His Majesty's Government in England on Two Points connected with Indian Affairs, on which they are desirous to have as early an Answer as possible.

The Points to which I allude are, first, the Practicability of effecting a Commutation of the Indian Presents into Money Payments; second, the Means of making a Provision of a permanent Nature for the Education of the Indian Tribes. But as a Question of good Faith on the Part of His Majesty's Government may be involved in any Change of the present System, it is indispensable that if any Change be made it should be made with the free Consent and Concurrence of the Indians themselves, signified through their Chiefs. You will be pleased therefore to instruct the proper Officers of the Indian Department to inquire whether the Indians would feel satisfied to receive in future Years an Equivalent in Money in lieu of the Articles, or even of a Portion of the Articles, which they now receive annually, should His Majesty's Government on Investigation find reason to conclude that the

the Well-being of the Indians would be promoted by such an entire or partial Commutation. And you are to ascertain, with as much Accuracy and as fully as possible, their Wishes and Feelings with respect to the Continuance of the present System of distributing Presents, and with respect to the proposed Change; also, whether if the present System of issuing Presents be continued, or that of a Commutation for Money be adopted, they would consent that a Part of the Value of the Presents or of the Commutation Money, as the Case might be, should be expended in erecting Schoolhouses, furnishing elementary Books of Instruction, and in the Payment of a resident Schoolmaster for the Benefit of their respective Tribes.

Although I am satisfied that you will cause great Care to be observed as to the Manner in which the required Information is to be procured, yet I feel it right to observe, that in obtaining it it will be in the highest Degree desirable not to excite in the Indians any Alarm or Distrust; on the contrary, they should be made to understand that it is not the Intention of His Majesty's Government either to overlook or sacrifice their Interests in any Arrangements that may be adopted.

The Secretary of Indian Affairs.

I have, &c.
(Signed) J. S. WALCOTT,
Civil Secretary.

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Earl of Gosford
to
Lord Glenelg,
13th July 1837.
Enclosure No. 6.

Enclosure 7. in No. 11.

At a Council assembled at St. Regis in Lower Canada on Wednesday the 27th July 1836, present the following British Indian Chiefs, viz. Swesen Teoseragwentu, Saro Oriwagati, Peter Sagoiententha, Peter Rosetagati, Sak Taratu, Saksarrio Ariweniontha, William Tehawenvate, and Peter Garoniaragwa, together with several of the Warriors, in behalf of the whole Tribe,—the following Instructions and Propositions were, in obedience to the Commands of His Excellency the Governor in Chief, made known to them by the undersigned, in Presence of the Secretary of Indian Affairs:—

Preamble.—Brethren, we have received the Commands of your Father the Governor in Chief at Quebec, to assemble you together, and consult with you on Two Points connected with the Welfare of his Indian Children.

And with a Desire to make the Matter as plain as possible to you, we shall put Two or Three Questions, which you will be pleased to take into serious Consideration; consult among yourselves deliberately, and give us your Answers on the different Points, in order that they may be made known to your Great Father across the Salt Lake, who will most assuredly act upon your Wishes in a Way that will satisfy you that the Course you have hitherto pursued in Manifestations of Attachment and Loyalty to his Person and Government was not misplaced.

Do not, Brethren, for a Moment suppose that your Father the Governor in Chief in proposing the following Questions to you has the least Idea of abandoning his Indian Children in any Manner whatever. No, Brethren, far from it. He has your Interest and Welfare at heart; he wishes to see you happy, and more enlightened than you are.

1st Question.—Supposing, Brethren, that your Great Father the King would offer to give you a certain Sum of Money in future Years, as an Equivalent for the Presents which you, your Wives and Children, now receive annually, or even for a certain Portion thereof, would you feel satisfied with such an Arrangement, or would you rather wish that your Great Father's annual Bounty should be continued to you, and distributed as at present?

Answer.—Father, you have told us that you had Two or Three Questions to ask us in the Name of our Father the Governor at Quebec, and requested us to answer them fearlessly and clearly. We accordingly in reply to your First Question say, that we (who are here present) feel ourselves warranted, by a Knowledge of the Wishes of all our Brethren of this Tribe whom we represent as their Chiefs, to state that the proposed Commutation in Money for the Presents as hitherto given us by our Father the King would not give Satisfaction to One Individual amongst us, nor could we be brought to view such a Change as tending to promote our Interest; but, on the contrary, it would deprive the old Man, the Widow, and the Orphan (already almost in a State of Nudity) of their Blanket, and put the Equivalent in the Hands of the Heads of Families, to be given in exchange for strong Drink. In addition to which Saro Oriwagati, the oldest Man and Chief of his Tribe (*i.e.* Ninety-four Years of Age), spoke, and desired to be heard. Father, I have outlived a great many Winters, and Three bloody Wars, in none of which did I ever find Cause to doubt the good and faithful Intentions of my Great Father the King towards us his Indian Children; and I cannot believe that he now thinks of breaking that Promise of his Forefathers, which was guaranteed to us when I was a young Man: "*Presents so long as we should remain a Tribe.*"

2d Question.—The Second Question your Father the Governor in Chief has ordered us to put to you is, that whether the present System of issuing the Presents be continued, or that of a Commutation for Money be adopted, would you consent
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that a Part of the Value of the Presents, or of the Commutation Money, as the Case might be, should be expended in the Education of your Children?

Answer.—Father, we are aware of our Ignorance and Want of Education, but we are at the same Time more sensibly aware of our extreme Poverty, and are looking forward with much Anxiety for the Arrival of the usual Presents, with a firm Trust that we shall not be disappointed, but that they may be continued as heretofore, without Change or Alteration. We have never had any Education, and cannot feel the Want of it; but if our good and Great Father considers that it would benefit the Condition of his Indian Children he has but to speak the Word, and their Obedience to his Will shall be manifested.

But we hope in this respect to be put on a Footing with our Brethren the White Skins, who, we are informed, have their Children educated at the public Expense. If Schools are established amongst us on such a Footing, we will cheerfully send our Children to them.

In closing the Proceedings of the Council (with a view to remove from the Minds of the Indians any Apprehension that His Majesty's Government contemplated any Arrangement or Change whereby their Interest would be overlooked or sacrificed), the Substance of the opening preliminary Address was repeated, when, after the usual Salutations, the Council broke up.

(Signed) JAMES HUGHES,
 S. In. Dep^t.

(Signed) S. Y. CHESLEY,
 Resd^t Indⁿ Dep^t.

St. Regis, 27th July 1836.

I certify the foregoing Report to be correct.

(Signed) D. C. NAPIER,
 S. I. A.

Enclosure 8. in No. 11.

Enclosure No. 8.
 ———

At a Council held at the Village of St. Francis this 30th Day of July 1836, by the Commands of His Excellency the Governor in Chief, for the Purpose of obtaining the real Sentiments of the Abenagois Tribe of Indians at that Station relative to a proposed Change in the Manner of making the Issue of His Majesty's annual Bounty to them for the future, were present the following Indians, Chiefs and Members of Council :

Augustin Guille, G. C.
 Simon Bombsawine, G. C.
 Francis de Salle Bombsawine, G. C.
 Pierre Nicagano, Warrior.
 Pierre Joseph Louis, Warriorr.
 Pierre Paul Osunkherine, Warrior.

Preamble.—Brothers, I have this Day assembled you together, by the Commands of your Father His Excellency the Governor in Chief. He has given me Orders to put Two or Three Questions to you. Of course you will take them into serious Consideration, consult among yourselves on the Subject, and after mature Deliberation you will let me know your Sentiments, so that I may make them known to your Father at Quebec.

I must first tell you, Brothers, and assure you, that although it is by the Orders of your Father, that I am about to put the following Questions to you, you are not in the least to be alarmed at them. I have it in command to tell you, that whatever Arrangement may be adopted in the future Issue of your Great Father's annual Bounty to you, his Indian Children's Interest shall never be overlooked or sacrificed.

The First Question I have to propose to you, Brothers, is the following :—

1st Question.—Supposing for a Moment, Brothers, that your Father the Governor in Chief thought proper to offer you an Equivalent in Money in lieu of the Articles, or even of a Portion of the Articles, which you now receive as an annual Bounty from your Great Father the King, to which would you give the Preference? Would you prefer the Commutation Money, or would you rather wish that the present System of making the Issue of your Great Father's annual Bounty to his Indian Children be continued?

Answer.—Simon Bombsawine, after having consulted some Time with the Chiefs and Warriors, came forward, and spoke to the following Purpose :—

Brother, We have heard our Father's Words, and fully understand them. You will be pleased to tender the Thanks of the Abenagois Tribe to him, and say to him that we shall ever bear in mind his great Goodness to us, especially on this Occasion, when he leaves it to our Choice whether we would in future prefer to receive Money in lieu of the Whole or Part of the Articles of Presents that we have been heretofore and still are in the habit of receiving, or whether we prefer the present Mode of the Issue in Goods of our Great Father the King's annual Bounty to us.

Say

Say unto our Father at Quebec, Brother, that we the Abenagois Indians of St. Francis, look upon ourselves as Orphans, and have always adopted the Representative of our Great Father the King as our Parent and Adviser; we have always and still look upon him as our Protector. Tell him that Money as an Equivalent for our annual Presents is of no Value whatever to us; it would do us much more Harm than Good, because many of us would squander it away in Liquor; of course our Wives and Children would be naked and miserable, and us unhappy. The Articles of Clothing that we now receive annually from our Great Father the King, as a Sort of Remuneration for our past Services, we prize too much; we depend upon them to protect us from the Cold; we cannot sell them, nor are the Whites allowed to purchase them; the Law forbids it. Tell our Father, therefore, that we beseech him to continue to throw us a Blanket and a Piece of Cloth, &c. &c., as he has always done. We prefer these Articles to Money.

No. 11.
Earl of Gosford
to
Lord Glenelg,
13th July 1837.

Enclosures No. 8.

2d Question.—I have now to ask you, Brothers, that whether you do in future receive Money for the Whole or a Part of the Articles of Presents that you are in the habit of receiving, or whether the Issue of Presents is made to you in Goods, as at present, would you consent that a Part of the Value of your Presents, or of the Commutation Money, as the Case may be, should be expended in erecting a Schoolhouse, furnishing Books of Instruction, and in the Payment of a resident Schoolmaster, for the Benefit of Education to your Children?

Answer.—Brother, tell our Father, that we thank him for the great Interest he takes in the Welfare of our Children; we are well aware that they can but reap great Benefit from receiving an Education, but at the same Time tell him, that the great Majority of the Abenagois Tribe are so wretchedly poor, that they have not the Means of paying for the Instruction of their Children; that the Presents they annually receive from their Great Father's Bounty are barely sufficient to protect them from the Cold; and should a Portion of them be retained to pay for schooling, Part of their Families would be obliged to go naked; and tell him also, that many of us have no Families, and it would be unjust that such should be deprived of Part of their Great Father's annual Bounty to pay for the Instruction of the Children of others.

We therefore pray and beg of our Father to continue his great Goodness to us as he has already done, for which we shall ever be grateful, and ready to obey his Commands, should he at any Time be in want of our Services.

I certify that the above Report is true and correct, both as regards the Questions put and explained to them in their own Language, as well as their Answers to the same.

Saint Francis,
30th July 1836.

(Signed) JAMES HUGHES,
Superintendent, Indian
Department.

I certify the foregoing Report to be correct.

(Signed) D. C. NAPIER, S. I. A.

Enclosure 9. in No. 11.

At a Council held at the Village of the Lake of the Two Mountains this 3d Day of August 1836, by the Commands of His Excellency the Governor in Chief, to obtain the real Sentiments of the different Tribes of Indians at that Station relative to a proposed Change in the Manner of making His Majesty's annual Bounty to them for the future, were present the following Indians:—

Enclosure No. 9.

Nipissingue Tribe:—François Papino, G.C.
J. B^{te} Desfonds, G.C.
Simon Kewey-quet-to, G.C.
J. B^{te} Wabe-ceipe, Warrior.
J. B^{te} Mak-wa, Warrior.
J^{os} Pepi-ca-si-quette, Warrior.
Algonquin Tribe:—J. B^{te} Kiconce, G. C.
Ignance Mai-ye-wuo-Ka-wet, G.C.
Simon Chou-wa-na-si-quet, Warrior.
François Wa-ses-quet-to, Warrior.
François Micou-na-bais, Warrior.
Antoine Paki-na-wa-tie, Warrior.
Iroquois Tribe:—Charles Ka-na-wa-to.
Joseph Ona-quat-co-wa.
Tho^s Cha-co-na-how-wi.
Tho^s Kaniwateron.
Jacques Ka-yè-ro-ton.
Bernard Onai-ra-sa.

No. 11.
 Earl of Gosford
 to
 Lord Glenelg,
 13th July 1837.
 ———
 Enclosure No. 9.

Preamble.—Brothers, I have this Day assembled you together by the Commands of your Father His Excellency the Governor in Chief. He has given me Orders to put Two or Three Questions to his Indian Children. You will take them into serious Consideration. Consult among yourselves on the Subject; and, after mature Deliberation, you will let me know your Sentiments, so that I may make them known to your Father at Quebec.

I must first tell you, Brothers, and assure you, that although it is by the Orders of your Father that I am about to put the following Questions to you, you are not in the least to be alarmed at them. I have it in command to tell you, that whatever Arrangement may be adopted in the future Issue of your Great Father the King's annual Bounty to his Indian Children, their Interests shall never be overlooked or sacrificed.

The First Question I have to propose to you, Brothers, is the following:—

1st Question.—Supposing for a Moment, Brothers, that your Father the Governor in Chief thought proper to offer you an Equivalent in Money in lieu of the Articles, or even of a Portion of the Articles, which you now receive as an annual Bounty from your Great Father the King, to which would you give the Preference? Would you prefer the Commutation Money, or would you rather wish that the present System of making the Issue of your Great Father's annual Bounty to you be continued?

Answer.—The Question being put, they consulted one another for a while, when François Papino was selected by the others to speak for them.

Answer.—Brother, tell our Father, that we return him our Thanks for his Kindness towards us. We are persuaded that he has, as you say, our Interest at heart, and means not to abandon or sacrifice his Indian Children. There has been a Black Cloud hanging over us for these Two or Three Years past. His present Words to us by you (*that he will never abandon or sacrifice our Interests*) gives us Joy, and has dispersed this Black Cloud. Tell our Father that our old Men have told us the Manner in which we were treated by the French before the Conquest of the Country by the English. We received from them annual Presents in Goods, as we do now. When the English King became our Father he was bountiful to us, and treated us in the same Manner. Whenever he was in want of our Services we were ready at his first Call. Our Fathers fought and spilt their Blood for him in the first revolutionary War with the Americans, and we assisted him in the last War. He has been kind and bountiful to us, and we hope he will continue so.

Tell our Father we want no Money from him; most of our young Men and many of the old ones would make a bad Use of it. We rather wish and pray of him to throw us a Blanket and a Piece of Cloth to protect us from the Cold. Tell him most of us depend upon the Chace for a Livelihood; we are not Farmers, nor have we Lands to cultivate; we want something to cover our Bodies, and wherewith to kill us a Deer to feed our Children. Was our Father to give us Money instead of the Articles we now receive as our annual Presents, our Wives and Children would be naked and miserable, and we Men unable to procure a Livelihood for them. We are sure our Father will find that we speak true, that he will listen to us, and continue the Issue of our Great Father's annual Bounty to us as heretofore. This is what we wish, and what we are persuaded he will grant us. One Word more: Brother, tell our Father that the very late Season at which we have received our Presents these several Years past has been of great Detriment to us. It has been the Cause of our suffering much from the Cold, of our starving, and of our being unable to make Hunts in Furs. We beseech him to order that for the future we may receive our Great Father's annual Bounty as we used to do some Years back, about the Middle of Summer, so that we might have it in our Power to reach our Hunting Grounds early, and be enabled to lay up a Stock of Provisions for the Winter.

N.B. The School at this Station being entirely under the Superintendence and at the Expense of the Seminary of St. Sulpicians, I deemed it unnecessary to put the Second Question to the Tribes at this Village.

(Signed) J. HUGHES,
 S. In. Dep^t.

Lake of the Two Mountains, 3d August 1836.

I certify that the above Report of Council is true and correct, both as regards the Questions put and explained to them in their different Languages, as well as their Answers to the same.

(Signed) JAMES HUGHES,
 S. In. Dep^t.

I certify the foregoing Report to be correct.

(Signed) D. C. NAPIER,
 S. I. A.

Enclosure 10. in No. 11.

No. 11.
 Earl of Gosford
 to
 Lord Glenelg,
 13th July 1837.
 — — —
 Enclosure No. 10.

At a Council held at the Village of Caughanawaga, this 6th Day of August 1836, by the Commands of His Excellency the Governor in Chief, to obtain the real Sentiments of the Iroquois Tribe of that Village relative to a proposed Change on the Manner of making His Majesty's annual Bounty to them for the future, were present the following Indians; viz.,

Martin Teka-na-sontie (Grand Chief).
 Jos^h Niwatenrah (Grand Chief).
 Michel Sarenaish-by P^e Towayenanton (Grand Chief).
 Charles Tea-non-ei-tha (Member of Council).
 Pierre Te-ken-ni-a-tie (Member of Council).
 Ignace Ka-na-ra-ta-heri (Member of Council).
 Louis Twi-ra-qui-sari (Member of Council).
 Louis Tio-he-ro-te (Member of Council).
 Ignace Ka-na-watiron (Member of Council).
 Michel Tion-wa-quā (Member of Council).
 Thomas Awa-nan-ico (Member of Council).
 Ignace Aten-hara (Member of Council).
 Pierre Sa-ko-ken-ni (Member of Council).
 Pierre Nya-ta-reio (Member of Council).
 Michel Hoa-ra-ton (Warrior).
 Toine Jacka-rie (Warrior).
 Ignace Aron-ya-rie-tha (Warrior).
 J. B^e Ato-wa-na-rikon (Warrior).

Preamble.—Brothers, I have this Day assembled you together, by the Commands of your Father His Excellency the Governor in Chief. He has given me Orders to put Two or Three Questions to his Indian Children. You will take them into serious Consideration; consult among yourselves on the Subject; and, after mature Deliberation, you will let me know your Sentiments, so that I may make them known to your Father at Quebec.

I must first tell you, Brothers, and assure you, that although it is by the Orders of your Father that I am about to put the following Questions to you, you are not in the least to be alarmed at them; I have it in command to tell you that whatever Arrangement may be adopted in the further Issue of your Great Father the King's annual Bounty to his Indian Children, their Interests shall never be overlooked or sacrificed.

The first Question I have to propose to you, Brothers, is the following:—

1st Question.—Supposing for a Moment, Brothers, that your Father the Governor in Chief thought proper to offer you an Equivalent in Money in lieu of the Articles, or even of a Portion of the Articles, which you now receive as an annual Bounty to you from your Great Father the King, to which would you give the Preference? Would you prefer the Commutation Money, or would you rather wish that the present System of issuing your Great Father's annual Bounty to you be continued?

Answer.—Tekanasontie, Grand Chief, on the Part of the whole Council, as well as the Tribe in general, rose up and delivered himself as follows:

Brother, Tell our Father the Governor in Chief, that we his Indian Children of Caughanawaga bow before him, and render him our sincere Thanks for his great Condescension towards us, and that we shall ever be obligated to him for his great Kindness in leaving it to our Choice, whether in future we shall receive Money in lieu of the Whole or Part of the Articles of Presents that we are at present in the habit of receiving, or whether we prefer the present Mode of the Issue of our Great Father the King's annual Bounty to us.

Tell our Father, Brother, that we one and all (especially our Wives and Children) beg and pray of him to have the goodness not even to think of altering or changing the present Mode of distributing our Great Father's annual Bounty to us in the Articles of Clothing. Tell him that if the present System was changed, and that we received Money instead of the Articles we now receive, that by far the greater Part of his Red Children would shortly be reduced to the greatest Distress; for the greatest Part of the Money we might receive would be expended in Spirituous Liquors.

Tell him we have sad Examples before us. We were Eyewitnesses of one that took place last Tuesday at St. Regis, (that made us open our Eyes,) when we went to receive a certain Sum of Money due to us by the United States Government. The American Indians had upwards of 2,000 Dollars to receive. On that Day the Payment was made to us the Council-room was full of Tavern and Grog-shop Keepers, with their Account Books under their Arms, to receive our poor Brothers hard-earned Money for nothing but Rum, which they had advanced them on Credit. Upwards of 1,000 Dollars were paid to these Rum Sellers. Were we to receive Money instead of Blankets, &c. such would be the Case of many of us. Money we can do what we please with; but our Father's Blankets, Guns, &c. we have not the Permission to sell, nor will the Whites purchase them, for in so doing they are liable to a heavy Fine.

No. 11.
Earl of Gosford
to
Lord Glenelg,
13th July 1837

Enclosure No. 10.

Tell our Father that when the generality of Indians have Money *they must drink*; the Whites have brought us to *that Habit*. Even now we are starving in the Village; many of us gain a Dollar a Day by shooting down Rafts, but very few bring any Part of it to the Village; they return intoxicated without a Penny in their Pockets. We therefore pray and beseech of our Father to continue the present Way of giving us Blankets, Cloth, &c. as our annual Presents, otherwise most of us, our Wives and Children, would be naked. Our chief and only Dependence *for Clothing* is the Bounty of our Great Father the King.

2d Question.—I have now to ask you, Brothers, that whether you do in future receive Money for the Whole or Part of the Articles of Presents that you are in the habit of receiving, or whether the Issue of Presents is made to you in Goods as at present, would you consent that a Part of the Value of your Presents, or of the Commutation Money, as the Case may be, should be expended in erecting a School-house, furnishing Books of Instruction, and in the Payment of a Schoolmaster, for the Benefit of Education to your Children?

Answer.—Tell our Father that we are thankful for the great Interest he takes for the Welfare of our Children, that we are aware that our Children will reap great Benefit in receiving an Education; but at the same Time tell our Father that the Majority of his Indian Children are so miserably poor that were they to be deprived of any Part of the Presents (which their Great Father the King has been in the habit of making them for their past Services) they would suffer greatly, having no other Means whatever to depend upon for the clothing of themselves, Wives, and Children, but the annual Bounty of their Great Father the King.

Tell our Father also that whenever our Services were wanted in former Days, we were ready at the first Call, and did our Duty; and should it hereafter happen that our Father should be in need of us, we shall be ready at the first Signal to rally round him. We therefore beseech our Great Father, who has the Means, to have Pity on his poor Indian Children, and do unto them as he has done heretofore.

And, as in Duty bound, we will ever pray, &c.

Sault St. Louis, 6th August 1836.

I certify that the above Report of Council is true and correct, both as regarded the Questions put and explained to them in their own Language, as well as their Answers to the same.

(Signed) JAMES HUGHES,
S. In. Dep^t.

I certify the foregoing Report to be correct.

(Signed) D. C. NAPIER,
S. I. A.

Enclosure 11. in No. 11.

Enclosure No. 11.

Sir,

Quebec, 22d August 1836.

In answer to the Civil Secretary's Letter of the 13th ultimo (transmitted), desiring to obtain Information for His Majesty's Government in England on Two Points connected with Indian Affairs, viz.,

First, the Practicability of effecting a Commutation of the Indian Presents into Money Payments;

Secondly, the Means of making a Provision of a permanent Nature for the Education of the Indian Tribes;—

I have consulted such Chiefs of the Tribes under my Superintendence as are not away hunting, with all the Precautions and Care stated in the Conclusion of the Civil Secretary's Letter. They have pronounced their greatest Aversion to any Change from the present System of Presents. They have stated that a Commutation of Articles of Presents in Money would be the Ruin of their young Men; that the Money would in a Day or Two be spent in Intemperance, and perhaps be the Cause of great Mischief. Further, when the Time for hunting would be at hand, they neither could procure for themselves Powder, Shot, or Ball, and even Clothes for the cold Weather.

On the Second Point, for making a Provision for the Education of Indians, the above also answers it; and further, it is impossible to gather or collect any Number of Indian Children among such as inhabit the Woods, who are not more than Eight or Ten Days in the same Place behind the Mountains, and never more than One or Two Families together. It is therefore only in Villages that Schools could be kept, and they are but few; only One under my Superintendence at Becancour and Ristigouche. The Algonquins at Three Rivers are in Wigwams, and seldom together, and the Lorette Hurons have a School paid by Government. Lastly, they never would willingly contribute in any way towards paying Part of the Expenses of a Schoolmaster and other Expenses attending a School.

I have, &c.

Lieutenant Colonel Napier,
&c. &c. &c.

(Signed) L. J. DUCHESNAY,
Sup^t. Ind. Dep^t, Q. D.

Enclosure 12. in No. 11.

No. 11.
 Earl of Gosford
 to
 Lord Glenelg,
 13th July 1837.
 Enclosure No. 12.

Sir,

Montreal, 20th August 1836.

In the course of the Month of July last I had the Honour of an Interview with His Excellency the Governor in Chief on Business concerning the Indian Department. In course of Conversation his Lordship was pleased to observe, that the Home Government had it in Contemplation to reduce the Expense of the Indian Department, and, if possible, to do away with it altogether. His Excellency condescended to ask my Opinion as to the best Mode of Proceeding to be adopted to obtain the projected Reduction, and requested of me to think seriously about it, and send in my Report on the Subject. From the Expressions contained in the Communication from the Civil Secretary of His Excellency the Governor in Chief, of the 13th ultimo, of which I had the Honour to receive a Copy for my Information and Guidance, it does not at all appear that His Majesty's Government intend to put an immediate Stop to the annual Presents that the Indians have been in the habit of receiving since and before the Conquest; but I feel confident that a partial Reduction in the present Manner that the Issues of His Majesty's annual Bounty are made to the Indians is absolutely necessary, and am persuaded can be done in such a Manner as not to give the least Alarm or Distrust to the Tribes in general.

To obtain the desired Object, a Change in the annual Issues and a great Alteration in the present Schedule are absolutely necessary.

I have the Honour to transmit herewith, for the Consideration of His Excellency the Governor in Chief, the enclosed Documents:—

1st. Amount and Value, in Sterling Money, of His Majesty's annual Bounty to the Indians in this District, as per approved Estimate for the Year 1836, according to approved Schedule of 24th February 1834.

2d. Amount and Value of Presents to the same Number of Indians, according to the Schedule of Presents for 1828 and 1829, or nearly so, having made some small Alterations for the better.

3d. I beg leave to propose that after the Issue of His Majesty's annual Bounty to the Indians for 1836 the future Issues be made according to the Scale or Schedule No. 2. Should this meet with the Approbation of His Excellency the Governor in Chief, it would be necessary, at the Distribution of the Presents for this Year, to apprize the whole of the Tribes of the intended Change in the future Issues.

4th. That the extra Presents as now distributed, according to Schedule of 24th February 1834, be continued; viz., the Amount of 9*l*. Sterling to every One hundred Men, in Guns, Kettles, &c.

5th. All Children born after this Date not to be included in the annual Return for Presents. All Heads of Families to be told, at the Issue of this Year, that all Children born from that Day are not to be entitled to Presents. Last Year, 1835, there were in the Four Indian Villages 142 Births and Sixty-seven Deaths, an Addition of Seventy-five to receive Presents this Year.

6th. Presents to be issued for the future to none but bonâ fide Indians, viz., to no Offsprings of White and Coloured Men per Indian Women. Some few pure Indians who are lawfully married to White Women, their Children, of course, by Law as well as by Nature, follow the Father, and are looked upon as Indians, and entitled to receive Presents.

7th. Several White Children, who are now Men, know no Father or Mother; were given to and adopted by Indians in their Infancy; speak no other Language but the Indian; these, in my Opinion, ought to be entitled to Presents. But the Indians should be told, that all such White Children as they may adopt for the future will not be entitled to Presents.

8th. Whatever Articles of Indian Presents should be remaining after the annual Issue is made at each Indian Village (caused by Mistakes made in the Returns by the Officer making them, Absentees, and Deaths,) should be brought back and placed in the Government Stores at Montreal, there to remain. Should such of the Indians as were absent at the annual Issue cast up, on receiving a certified Note of the acting Officer in Department of the Proportion of Articles of Presents due to him, he will receive the same; and whatever Articles should remain in Store of such as were brought back, to form Part of the ensuing Issue and Estimate.

9th. One or Two Interpreters in this District can, without any Detriment to the Department, be dispensed with. The Interpreter at Montreal speaks Two Indian Languages fluently, and even now is the one principally employed in all the Villages, except St. Regis, being the most able and active Person.

10th. Should it be the Pleasure of His Excellency the Governor in Chief to order that this proposed Change in the annual Issue of Presents to the Indians in this District (with such Alterations as his Lordship may be pleased to make) be carried into effect, it is my humble Opinion that the annual Savings will augment yearly, and leave a far greater Sum than will be adequate to make Provision of a permanent Nature for the Education of the Indian Tribes in this District.

I have, &c.
 (Signed) JAMES HUGHES,
 S. In. Dep^t.

Lt. Col. Napier,
 Sec^y In. Aff^s, Quebec.

(93.)

No. 11.
Earl of Gosford
to
Lord Glenelg,
13th July 1837.

Enclosure No. 13.

Enclosure 13. in No. 11.

(No. 2764.)

Commissariat, Canada, Quebec,
1st October 1836.

Sir,

I have the Honour to lay before you, for the Information of the Right Honourable my Lords Commissioners of His Majesty's Treasury, Copy of a Letter from Deputy Assistant Commissary General Fielde, announcing the Return of the Detachment sent to accompany the Party and protect the Stores despatched from Penetanguishine to the Great Manitoulin Island on the 1st of August ultimo, to be issued as Presents to visiting Indians.

My Lords will observe that about Two Thirds of these Stores have been brought back to Penetanguishine.

Having obtained Copies of the Proceedings of the Grand Council held there by His Excellency the Lieutenant Governor and the Chippewas, the Ottawas, and the Sawkee Tribes, I think it may not be uninteresting to my Lords to lay them before you for their Information.

Not having yet received any further Communication from His Excellency Sir Francis Head, who is still engaged in his Tour through the Upper Province, I am not exactly aware of his Views in these Documents, unless it should be a Preparation to give effect to the Suggestion which I submitted to his Consideration in my Letter of the 4th June ultimo, of making the great Manitoulin Island available as a Retirement to those Tribes now holding Waste Lands, which they do not cultivate, in the Midst of our Settlements, the Sale of which would create for them a permanent Annuity sufficient for their Expenses and gradual Development.

The Tribes occupying these Tracts of Forest, surrounded by European Settlers, are more exposed to imitate our Vices than our Civilization; but if they were separate from the White Population, with their own Schools and Missionaries to direct them, One Example of Indian Industry in their own Tribe would afford a Lesson more effectual than any which our Vicinity could offer. To those who cannot yet distinguish the Advantage which the Cultivation of the Land holds over the Pursuits of their Ancestors, the Manitoulin Island will offer a desirable Asylum, and the Sale of their own rich Tracts would secure to them an Independence, under the Management of the Lieutenant Governor, sufficient to supply all their Wants of Subsistence and Instruction.

Some Sort of Education must be the Basis of all Improvement. Even the Christian Religion presupposes a certain Advancement; it is a great Transition for the rude Indian of the Forest, who has no Habit of Restraint, and no Guide but his Passions and Necessities. There must be a natural Progress in their Amelioration, Step by Step following each other, and not a violent Change without Gradation. The Attempt to do too much disappoints itself.

A Spot like the Great Manitoulin seems to meet this View.

It may certainly be proper to extend such an Advantage to some of the visiting Indians as they become willing to be instructed; but, as a general Principle, a Term should be assigned to the Practice of enticing these poor Tribes from their distant hunting Grounds by Presents connected with no rational Plan for their Improvement. An annual Donation will never bribe an Indian into Christianity or Exertion, nor can we ground a Hope on it of reclaiming those who return immediately to their Woods, where they have neither Precept nor Example.

The best Result we can expect from it is to attach them to us by administering to their Habits and Propensities.

Nor is it prudent to fix on so remote a Spot for the sole Purpose of bringing down towards our Settlements these distant Tribes, and whilst we are endeavouring to discontinue the Expenditure, to add to it by attaching new Applicants to share in its Disbursement, doubling the Cost of every Article and Duty by the Distance of the Depôt.

I am sure that His Excellency the Lieutenant Governor will take a judicious View of all these Circumstances, and I wait the Event with this full Persuasion.

The Soil of the Manitoulin Island is excellent, and covered with fine Timber. Hudson's Sound, the proposed Port of the new Settlement, is a commodious Harbour, with no Obstruction at the Entrance, and good Anchorage at Four or Five Fathoms close to the Beach.

The Lieutenant Governor has directed that the Establishment should be for the present suspended, and the Lumber and Logs composing the few temporary Buildings were lodged in the largest, intended for a Store, measuring Forty Feet by Twenty, which was left standing.

A. Y. Spearman, Esq.
&c. &c. &c.

I have, &c.
(Signed) R. J. ROUTH,
Commissary General.

Enclosure 14. in No. 11.

Sir,

Castle St. Lewis, Quebec, 7th October 1836.

I am directed by the Governor-in-Chief to invite the Executive Council to consider a Despatch which has been addressed to him by His Majesty's Principal Secretary of State on the very interesting Question involved in the best Course to be pursued for improving the Condition of the Indian Tribes in this Province.

No. 11.
Earl of Gosford
to
Lord Glenelg,
13th July 1837.

Enclosure No. 14.
—————

His Excellency is very desirous to obtain from the Council their Opinion upon the Points on which His Majesty's Government is anxious to procure Information, and which their long Residence in the Province, and Experience in Matters relating to the different Classes of Persons residing within it, so well qualifies them to furnish; and it is his Request that they may embody their View of the Subject in the Form of a comprehensive Report. As he does not wish to limit them in this Reference to the Consideration of any particular Points, but rather to embrace the general Question of Indian Affairs, His Excellency further requests that this should occupy their early Attention, as it is of Moment that every Information which can be procured on this Subject should be sent to England in Time for the next Meeting of Parliament. The Commissary General, at the Request of His Excellency, has already submitted Two Reports on this Subject, which are enclosed, for the Information of the Council, as well as One from Mr. Hughes, the Superintendent of the Indian Department at Montreal.

The Secretary of the Indian Department was instructed to inquire, through the Chiefs of the Tribes, whether the Indians would freely consent and feel satisfied to receive in future Years an Equivalent in Money in lieu of the Articles, or a Portion of the Articles, annually given to them, should His Majesty's Government find that the Well-being of the Indians would be promoted by it; and also whether they would consent that a Part of the Commutation Money or Presents, as the Case might be, should be expended in furnishing Books and providing Masters for elementary Instruction for the Benefit of their Tribes.

To afford every Facility to the Council in this Matter, I have the Honour to forward, in addition to the above-mentioned Reports, Lord Glenelg's Despatch of the 14th January 1836, a Letter from myself to the Secretary of Indian Affairs, and the Letters and Reports furnished by the Indian Departments; a List of which is added.

No. 1.—Commissary General to Lord Gosford, dated 27th November 1835.

No. 2.—Lord Glenelg to Lord Gosford, dated 14th January 1836.—No. 39.

No. 3.—Commissary General to Lord Gosford, dated 28th April 1836.

No. 4.—From the Civil Secretary to the Secretary of the Indian Department, dated 13th July 1836.

No. 5.—From the Secretary of the Indian Department to the Civil Secretary, dated 12th August 1836.—With Enclosures from No. 1. to 4.

No. 6.—From the Superintendent of the Indian Department, Montreal, to the Secretary of the same, dated 20th August 1836.

No. 7.—From the Superintendent of the Quebec District to the Secretary of the Indian Department, dated 22d August 1836.

No. 8.—From the Superintendent of the Montreal District to the Secretary of Indian Affairs, dated 17th September 1836.—With an Enclosure.

No. 9.—Comparative Statement of the Expense of the Indian Department of Lower Canada for 1836 and 1837.

No. 10.—Return of the Services of the several Individuals borne on the Effective Establishment of the Indian Department of Lower Canada, computed to the 31st August 1836.

I have, &c.

The Chairman of the
Executive Council.

(Signed) S. WALCOTT, Secretary.

No. 11.
Earl of Gosford
to
Lord Glenelg,
13th July 1837.

Fifteenth Enclosure in No. 11.

RETURN of INDIANS under the PROTECTION of the Indian Department of LOWER CANADA,
12th December 1836.

Enclosure No. 15.

No.	Post.	Tribe.	Men.	Women.	Children under 14 Years.	Total.
1	Sault St. Louis - -	Iroquois - - -	268	283	381	932
2	Saint Regis - -	Iroquois - - -	105	109	167	381
3	Saint Francis - -	Abenaquois - -	98	111	121	330
4	Lake of the Two Mountains - -	Algonquins - - -	87	94	117	298
		Nipissingues - -	79	95	90	264
		Iroquois - - -	86	101	113	300
5	Three Rivers - -	Algonquins - - -	22	28	21	71
6	River St. Maurice -	Têtes de Boule - -	9	6	13	28
7	Becancour - -	Abenaquois - - -	35	44	40	119
8	Lorette - -	Hurons - - -	63	78	78	219
9	River Verte Settlement -	Amalicités - - -	35	33	37	* 105
10	Ristigouche and Gaspé -	Micmacs - - -	138	143	149	430
11	- - -	Wandering Amalicités, Micmacs, and others, without any fixed Residence -	33	33	32	† 98
Total -			1,058	1,158	1,359	3,575

* Number stated in the Return of 1833 (the last received from the Superintendent); since that Year several Indians have left the Settlement who should now be classed as Wanderers.
† Number of Wanderers present at Point Levi in August 1836; to which might be added about 70 Amalicités, who are supposed to have abandoned the Settlement at the River Verte.

No. 1.—Iroquois of the Sault St. Louis.

A Number of the able-bodied Indians of this Post are employed as Pilots for Rafts and Bateaux during the Season of Navigation; but it is stated by the Chiefs, that in most Instances the Money which their young Men acquire in this Way is spent in Liquor before they return to their Village. There are some active Hunters in this Tribe, who subsist in part by the Chace during the Winter Months.

The Cultivation of the Land is left principally to old Men and the Women: the latter also employ themselves occasionally in making up Moccasins, Snow Shoes, and Baskets for Sale; but the principal Support of these and all other Indians in Lower Canada is derived from fishing and hunting.

One Man, Three Women, and Two Children at this Village (of the Families of Indians wounded in Action during the late War,) receive gratuitous Rations from Government.

The Seigniorship of Sault St. Louis was granted to the Jesuits in the Year 1680, “pour contribuer à la Conversion, Instruction, et Subsistence des Iroquois.” This Concession was made by Two separate Grants. The First, from Louis the Fourteenth, dated 29th May 1680, confined to a Front of Two Leagues; the Second, from the Comte de Frontenac, dated 31st October 1680, being an Addition to that Front of One League and a Half, or thereabouts, by a Depth of two Leagues.

The following conditional Clause is extracted from the Titles:—“à la charge que la ditte terre nommée le Sault, appartiendra toute défrichée à sa Majesté lors que les dits Iroquois l’abandonneront.”

The Seigniorship continued under the Superintendence and Management of the Jesuit Priests, until the 15th April 1762, when it was entirely and exclusively vested in the Iroquois, under the Supervision of the Indian Department, by the Ordonnance of that Date of Major General the Honourable Thomas Gage, Governor of Montreal.

The Land is of an indifferent Quality along the Front of this extensive Tract; in the rear Concessions, and those on the River La Fortue, it is better adapted for Agricultural Purposes.

The

The Revenue of the Iroquois Indians of the Sault St. Louis, arising from Rents, Lods et Ventes, and the Value of the Wheat received as Toll at their Mill during the Five Years ended in 1834, had averaged 205*l*. 13*s*. 2*d*. Currency per Annum; a great Portion of this Income was expended in the Repairs of the Mill, the Salary of the Miller, and the Support of the Church at Caughanawaga. The Chiefs of this Tribe receive an Annuity from the State of New York of 62*l*. 10*s*. Currency, for Lands sold to the People of that State under a Treaty executed in the City of New York on the 31st of May 1796.

The Terms and Conditions of the new Titles or Declarations under the Letters Patent de Terrier, of 19th December 1827, are such as are usual, and have been stipulated in the Grants made in the Seigniories heretofore belonging to the late Order of Jesuits in this Province.

The Seigniory of the Sault St. Louis is at present under the immediate Management of an Agent duly authorized. He is required to render an attested Account of the Transactions of his Agency to the 31st of October in each Year, and to explain to the Iroquois Chiefs in full Council (in the Presence of the Missionary and the Superintendent of Indians in the District) the Particulars of the several Charges and Credits therein; and, finally, to transmit the Account and Vouchers to the Secretary of Indian Affairs, for the Information of the Commander of the Forces or Governor-in-Chief.

The Iroquois have 2,230 Acres of Land under Cultivation in their Seigniory, after the Indian Manner. Their Crops, in the Year 1835, amounted to 64 Bushels of Wheat, 312 Bushels of Oats, 3,391 Bushels of Indian Corn, 818 Bushels of Peas and Beans, 2,776 Bushels of Potatoes, being the Joint Stock of the Tribe, consisting of 932 Souls.

There are not any amongst these Indians who derive the whole of their Support from Agriculture, but they are all in part subsisted from this Source.

No. 11.
Earl of Gosford
to
Lord Glenelg,
13th July 1837.

Enclosure No. 15.

No. 2.—Iroquois of St. Regis.

Several of the young Men of this Post obtain Employment during the Summer Season as Raftsmen and Boatmen, like their Brethren of the Sault St. Louis, and many of them follow the Chase for a great Part of the Winter. The aged and least active Men, and the Women, attend to the Cultivation of the reserved Land in the Possession of the Tribe; and by the Success of the Fishermen a considerable Part of their Support is obtained in the Spring and Summer. One Man and Two Women of this Village are allowed permanent Rations of Provisions from the Public Stores.

The Tract of Land occupied by the British Indians of St. Regis in Lower Canada is of a triangular Form, extending from the Peninsula of St. Regis (on which the Village stands) about Twelve Miles along the Borders of the River St. Lawrence and Lake St. Francis, by which it is bounded to the North, and to the South by the Division Line between the Province and the State of New York for a Distance of nearly Fourteen Miles, and on the East by the Township of Godmanchester, containing about Twenty-one thousand Acres.

These Indians are also the Proprietors of Nine Islands in the River of St. Lawrence, and of a Reservation of Land in the Eastern District of Upper Canada, lying between the Counties of Stormont and Glengarry, amounting together to Twenty-eight thousand two hundred and fifty Acres, or thereabouts.

The Lands above mentioned form but a small Portion of the Hunting Grounds of the once powerful Iroquois Nation, and are supposed to have been occupied by this Tribe since the first Settlement of Canada. Their Title originally was a mere Occupancy for the purpose of hunting; but it was recognized and acknowledged by the Government of France before the Conquest, and subsequently secured to them by that of England, by the Fortieth Article of the Capitulation signed at Montreal on the 8th September 1760, and by the Royal Proclamation dated at St. James', the 7th October 1763.

In process of Time (about the Year 1796) the Vicinity of the new Settlements rendered the Tract in Lower Canada useless as a Hunting Ground, and the Iroquois Indians, in order to turn it to Advantage, leased it out in small Farms to actual Settlers for an annual Rent, and since the Year 1822 the Leases so granted have been ratified and confirmed by the Commander of the Forces or the Governor-in-Chief.

The Reserve in Lower Canada, though rather low and swampy in some places, is a fine agricultural Tract throughout. The Land in Upper Canada is of a good Quality, and a large Portion of it is under Cultivation.

The Amount of the Income of the St. Regis Indians, during the Five Years ended in 1835, shows an Average of 351*l*. 15*s*. 2*d*. Currency per Annum. About One Fourth of this Revenue is expended upon the Church and other public Expenses of the Tribe, and the Balance or net Proceeds is distributed equally amongst the Indians at the Close of each Year.

The Lands in Lower Canada, excepting about 3,000 Acres reserved by the Tribe, are granted on Leases for Periods of from Thirty to Ninety-nine Years, approved heretofore by the Commander of the Forces, but at present by the Governor in Chief. Enclosure A. is the Copy of a Lease approved by Lieutenant General Sir James Kempt as Commander of the Forces in the Year 1830.

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to
Lord Glenelg,
13th July 1837.

Enclosure No. 15.

The Reservation in Upper Canada is nearly all granted by the Chiefs upon Leases for 999 Years; but, from the Difficulty experienced in the Collection of the Rents, they have solicited the Protection of the Government of Upper Canada, and an Arrangement (recommended by the Executive Council at Toronto) is in progress, by which the Indians are to surrender the whole of this Reserve for a perpetual Annuity of 200*l.* Halifax Currency.

The St. Regis Property is under the Management of Mr. Chesley, the Agent appointed by the Earl of Dalhousie, and a Committee of Twelve Chiefs and Warriors named by the Tribe. The Accounts of this Agency are made up to the 31st of October in each Year and transmitted to the Secretary for Indian Affairs, for the Information of the Governor-in-Chief.

The Indians of St. Regis have about 361 Acres of Land under Cultivation, but with very indifferent Success. Their Knowledge of farming is exceedingly limited, and they do not appear to have profited as yet by the improved System of Agriculture followed by their own Tenants, many of whom are experienced Farmers from Scotland.

During the last Two Years these Indians have suffered much from the partial Failure of their Crops. The Agent states that he knows of no Individual in the Tribe who is supported wholly from this Source.

No. 3. *Abenagois of St. Francis.*

Between Forty and Fifty of these Indians are actively engaged as Hunters during the Winter Season, and are supported principally from the Profits of the Chase. Five or Six Families of the Hunters reside occasionally upon Land granted to them in the Township of Durham, and there are Fourteen Families who have leased separate Lots from the Chiefs at St. Francis, and who pay the same Rents as the Canadian Tenants; these latter subsist wholly by Agriculture, and do not cultivate any Land in common with the other Members of the Tribe.

The Women are much engaged in the Manufacture of Bark Work and Fancy Indian Ornaments. The Families of wounded Indians at this Post in the Receipt of free Rations consist of Two Men, Five Women, and Eight Children.

The Lands belonging to this Tribe are located within the Seigniories of St. Francis and Pierreville. The Extent of Territory originally granted to the Abenagois in the Seigniory of St. Francis comprehends Half a League in Depth ascending the River by a League in Breadth, and in Pierreville Half a League and Five Acres in Depth (adjoining the above) by a League and a Half in Breadth, the River St. Francis passing nearly through the Centre of the Grant; and they have likewise acquired in the Seigniory of St. Francis about a Mile more in front, on the North-east Side of the River only, and situated below the above mentioned by the Depth that may be found between that and the adjoining Seigniory of Lussaudiere.

They also possess Fourteen Islands in that Part of the River which passes through their Property; one of which contains probably One hundred Acres, and produces a Quantity of Hay; the others are small, and average from One to Ten Acres.

The Grant for St. Francis is described as a Title of Concession, dated 23d August 1700, from Dame Marguerite Hutel, Widow of the Sieur Jean Crevier, Seignior of St. Francis, to the Abenagois Indians, represented by the Rev. Jacques Bigot, their Missionary; and that for Pierreville is an *Acte* passed at Three Rivers on the 10th of May 1701 by Sieur Antoine Plagniol and Charlotte Giguere his Wife to the said Indians so represented.

In those Grants the Seigniors have reserved the Right of reuniting to either Seigniory Lands abandoned by the Indians, and of dispossessing the Abenagois as soon as the Religious Mission should cease to reside upon the conceded Land. The Land in both Concessions is of a very inferior Quality, being for the most Part a dry sandy Soil without any Admixture of Clay.

In the Year 1805 a Number of Lots in the Township of Durham, amounting in all to 8,900 Acres, were granted in free and common Soccage to Seventeen Heads of Families of the Abenagois Tribe of St. Francis, for their own private Use and Benefit and that of their Heirs and Successors for ever, subject to the following Condition: "That the said Lots
" of Land so granted, nor any nor either of them, nor any Part thereof, shall in anywise
" be capable of being alienated, *leased*, transferred, conveyed, or otherwise disposed of by our
" said Grantees, or any or either of them, to any Person or Persons in any Manner or Way
" whatsoever."

It does not appear, however, that the original Grantees or their Heirs were made acquainted with the Terms of this Grant, as they have leased several of their Lots for Ninety-nine Years to discharged Soldiers and other Settlers from the Neighbourhood of Drummondville. In the Year 1829 these Tenants addressed a Petition to Sir James Kempt, praying to be allowed to purchase the Lots held by Lease from the Indians, or to hold them at a Quit Rent from the Crown, and that Hunting Grounds might be assigned to the Abenagois somewhere else. This Petition is, I believe, under the Consideration of the Attorney General, to whom it was referred by Directions of the late Governor-in-Chief.

The Amount of the Income received by the Chiefs of St. Francis from the Year 1831 to 1835 inclusive shows an Average of 61*l.* 8*s.* Currency per Annum. For some Years
past

past this small Revenue has been expended principally in paying off Debts contracted on account of the building of the new Church at that Village, and other incidental Expenses of a public Nature usually charged against the Funds of the Tribe.

The Management of the St. Francis Property is confided to an Agent selected by the Chiefs, and approved by the Officer at the Head of the Indian Department.

The Chiefs grant the same Titles to their Tenants as other Seigniors in Lower Canada.

The Abenquois of St. Francis have about 250 Acres of Land under Cultivation in common; but I have Reason to believe, that with the Exception of the Fourteen Families above mentioned, none of them subsist wholly by Farming.

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to
Lord Glenelg,
13th July 1837.

Enclosure No. 15.

No. 4. *Iroquois, Algonquins, and Nipissingues, at the Lake of the Two Mountains.*

The Tribes at this Post do not possess any Land from which a Revenue is derived, and have heretofore depended upon their hunting for the principal Part of their Support. Their Situation as Hunters is however becoming truly alarming, by the rapid Settlement of their Hunting Grounds (which had been secured to them by His Majesty's Proclamation of 1763) on the Banks of the Ottawa, and by the indiscriminate Destruction by the Settlers of the Beaver and other Animals, from which the most valuable Furs are obtained.

A few of the Iroquois find Employment during the Summer as Pilots and Raftsmen to the Rafts which are brought down the Ottawa River to Montreal.

The Women and aged Men reside principally at the Village, in the Vicinity of which they cultivate small Patches of Land by Permission of the Priests of St. Sulpice, who are the Proprietors of the Seignior of Two Mountains. The Quantity of Land occupied by these Tribes is stated as follows:—

Iroquois,	-	about 150 Acres.
Algonquins	—	60 Do.
Nipissingues,	—	50 Do.

It is a mere Sand Hill throughout, and the Produce of it bears no Proportion to the Extent occupied.

By the partial Failure of their Crops of 1835, and their ill Success in the Chace during the Winter of that Year, the Indians of the Lake were reduced to a State of absolute Want; and it is supposed that many of them would have perished but for the Supply of Pork and Flour issued to them by Order of His Excellency the Earl of Gosford in the Month of July last.

Two Men, Five Women, and Three Children of the above-mentioned Tribes receive gratuitous Rations of Provisions.

The Indians of this Post, as well as their Brethren of St. Regis, the Sault St. Louis, and St. Francis were much employed in the Field during the late War, and behaved well before the Enemy.

No. 5. *Algonquins of Three Rivers.*

These Indians, with the Exception of Two Families, do not possess any Landed Property whatever, but subsist wholly by hunting and fishing. The Women are much engaged in the Manufacture of embroidered Mitts and Mocassins, and other fancy Articles, for which they find a ready Sale at Three Rivers.

The Two Families alluded to hold a Lot of Land each in the Parish of Batiscan, and it is stated that they have about Forty-six Acres under Cultivation.

No. 6. *Têtes de Boules of the River St. Maurice.*

These are wandering Indians, who live wholly by fishing and hunting, and not by Agriculture. They are the least civilized of any Tribe in the Province; have no fixed Residence, and never quit their Grounds until about the Period at which they have been accustomed to receive their Great Father's annual Bounty.

No. 7. *Albenquois of Becancour.*

There are a few active Hunters at this Village, but the Majority of the Tribe support themselves by fishing, and by the Produce of the small Tract of Land in their Possession; the Women make Baskets and other Trifles for Sale. These Indians are extremely poor, and depend altogether upon their Presents for the Clothing of their Families.

The Albenquois Indians of Becancour were at one Time Proprietors of a Portion of a the Seignior of that Name, which was granted to them by Messire Pierre Robineau Chevalier, Seigneur de Portneuf, &c., by *Acte* passed before Daniel Normandin, Notaire, at the Missionaries House in the said Seignior, on the 30th of April 1708; but by an *Acte* passed in the Year 1760 these Indians, in consideration of a certain Sum of Money paid to them by Monsieur de Montesson, did cede and abandon to him the whole of the Territory granted to them in the Year 1708, with the Exception only of that Part actually occupied by them.

(93.)

They

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to
Lord Glenelg,
13th July 1837.

They have at present about Fifty Acres under Cultivation, including some small Islands in the River Becancour near their Village, which in the Year 1835 produced Forty-three Bushels of Wheat, 161 Bushels of Indian Corn, and 353 Bushels of Potatoes.

The Indian Land at Becancour is reported to be of good Quality.

Enclosure No. 15.

No. 8.—*Hurons of Lorette.*

The Indians of this Village derive many Advantages from their Proximity to Quebec, where they find a ready Sale for the various Articles manufactured by their Women, and for the Game and Fish taken by their young Men, several of whom are very expert Hunters. The Land in the Possession of the Hurons besides their Village is very trifling, being at present only Forty Square Acres in the Seigniory of St. Gabriel, a Gift from the Jesuits, and a Field of about Thirty Acres, which they cultivate in common. Their Crops in the Year 1835 amounted to 15 Bushels of Wheat, 250 Bushels of Oats, 650 Bushels of Potatoes, and 6½ Bushels of Beans. But the Superintendent states, that none of them derive the whole of their Support from Agriculture.

No. 9.—*Amalicate Indians at the Settlement on the River Verte.*

Colonel Duchesnay, the Superintendent of Indians in the District of Quebec, having made a separate Report in relation to this Settlement, I deem it proper to submit it herewith in original, in answer to the Seventh Set of Queries.

No. 10.—*Micmac Indians of Ristigouche and New Richmond.*

I understand, from Mr. Juchereau Duchesnay, that a large Tract of Land was allotted to these Indians by the Judgment or Report of certain Commissioners appointed under an Act of the Legislature to adjust all Claims to Lands in the District of Gaspé; and that such Report has been deposited in the Council Office.

The Micmac Indians have not received any Presents or other Assistance from Government since Lord Aylmer's Visit to the District of Gaspé in the Year 1831; and from their very remote Situation it has not been practicable to ascertain, with any Degree of Accuracy, the Value and Extent of their Improvement, or whether they derive their Support in whole or in part from Agriculture.

No. 11.—*Wandering Indians of the Amalicate, Micmac, and other Tribes.*

These unfortunate Indians, who are for the most part in a State of complete Destitution, subsist exclusively by fishing and hunting, and by the Produce of sundry Articles made by their Women. They have diminished in Numbers more than One Half since the Year 1832.

The Estimation in which the Presents are still held by the Indians generally may be appreciated from the Fact, that many of the Micmac Tribe annually travel from Nova Scotia and New Brunswick to claim those Presents at Quebec. The Blankets are indeed essential to their Existence; they form their Clothing by Day and their Covering by Night, and are the only Articles of any Value at present issued to them.

Unsettled Indians of Lower Canada.

The Number of unsettled Indians receiving Presents may be estimated as follows:—

Algonquins of Three Rivers	-	-	-	-	-	60
Têtes de Boules of the River St. Maurice	-	-	-	-	-	28
Amalicates, who have abandoned the Settlement of the River Verte, supposed to amount to	-	-	-	-	-	70
Wandering Micmacs, Amalicates, and others, having no fixed Residence, about	-	-	-	-	-	98
The Algonquin, Nipissingue, and Iroquois Tribes of the Lake of the Two Mountains are employed principally in hunting and fishing, and lead a wandering Life for nearly Nine Months in the Year. They have no Landed Property of their own, and may be classed as unsettled Indians	-	-	-	-	-	862
Total	-	-	-	-	-	1,118

MEM.—I am of opinion that with proper Assistance many of the Indians above mentioned might be induced to settle upon Land.

Education of the Indians.

It does not appear that any thing had been done towards educating the Indians of Lower Canada previously to the Year 1826, with the Exception of the School established at Lorette by the Jesuits and continued under the Indian Department to the present Time.

In

In the course of that Year (1826) a School was opened in the Village of Caughanawaga by the "Montreal Branch of the Society for promoting Education and Industry in Canada," with the Sanction of Lord Dalhousie, which for a short Time promised the most satisfactory Result; but through the Objections raised by the Roman Catholic Missionary, the Rev. Joseph Marcoux, to the Introduction of the English Language amongst the Indians, the Children were gradually withdrawn from the School. The Society having appointed a Deputation of its Members to proceed to that Village, for the Purpose of investigating, and, if possible, of finding out the Source and Cause of so unexpected an Occurrence, I am enabled to submit a Copy of the Report of Mr. Justice Pyke (Enclosure B.), the principal Member of the Deputation in question, which explains very distinctly the Nature and Extent of the Opposition of the Missionary to the benevolent Designs of the Society.

In the Year 1829 Sir James Kempt authorized the necessary Expense for the Education of Six Indian Boys, by way of Experiment, at the English School under the Direction of Mr. Charles Forest at Chateaugay, which in the Year 1834 had so far succeeded as to induce Lord Aylmer to increase the Number of Boys to Twelve. They are instructed, upon the Lancasterian System, in English Reading, Writing, Arithmetic, Grammar, and Geography; and the Expense incurred for the Board and Tuition of each Boy does not exceed 20*l.* Sterling per Annum. Two of these Youths have been dismissed by Mr. Forest as being perfectly competent to take charge of Schools; and it appears by the last quarterly Report of that Gentleman, a Copy of which (Enclosure C.) is herewith submitted, that there are at present Ten Boys under his Superintendence.

In the Month of August 1835 the late Commander of the Forces appointed English Teachers of the Roman Catholic Persuasion to conduct the Indian Schools established by his Lordship at Caughanawaga and St. Francis, but it would appear that the Objection to the Language continues to prevail with equal Force at both Places, as there are only Fourteen Children on the School Return at the former and Two at the latter Village.

At the Period last mentioned his Lordship was also pleased to appoint a Mr. Eleazar Williams (the Son of an Iroquois Indian, who had received his Education in the United States, and was strongly recommended by Major Plenderleath Christie of Montreal, and the Reverend George Archbold of Cornwall,) to be Schoolmaster in the Indian Department at St. Regis; but after an ineffectual Attempt to check the secret Influence of certain Persons opposed to his Religious Principles, at that Post, he was induced to resign the Appointment for the Reasons stated in the Enclosure marked D. transmitted with this Report.

The Reverend F. X. Marcoux, the Missionary at St. Regis, is, I understand, a Nephew of the Missionary of that Name alluded to in Judge Pyke's Report above mentioned.

At the Suggestion of Lord Aylmer, the Gentlemen of the Montreal Seminary opened an English School for the Indian Children at the Lake of the Two Mountains in the Month of June 1835, which for a short Time was attended by nearly Eighty Boys; but I regret to observe, by the Answer received from the Superintendent at Montreal (Enclosure E.) in relation to this School, that the Establishment is now entirely "broken up."

The Schoolmaster selected by the Priests was a young *Irish* Student in Divinity from the College at Montreal, wholly unacquainted with the prevailing System of Instruction in elementary English Schools.

The School at Lorette, already alluded to, is irregularly attended by from Twenty to Forty Children, who are taught to read and write in French, but their Progress is by no Means satisfactory. The Schoolmaster is a Huron Indian of good Character, but little calculated for his Situation; and from the Inadequacy of the Salary allowed by the Indian Department it is very doubtful whether any Person of competent Abilities would accept of the Appointment.

In the Year 1826 an English School was established at Lorette by the Quebec Branch of "the Society for promoting Education and Industry in Canada," which like that of Caughanawaga failed through the Opposition of the resident Missionary (the Reverend Mr. Cooke), although several of the Chiefs were favourable to the Institution.

All which is most respectfully submitted.

(Signed) D. C. NAPIER, S. I. A.

(A.)

This Indenture, made and concluded at St. Regis in Lower Canada, this Fifteenth Day of February 1830, by and between Soisen Teosarguantee, Saro Orewagathe, Wishi Tegarahontie, Sake Tearatie, Roren Owentiatikka, Sose Teoragaren, Roi Tearogononthi, and Attonioa Oquirarongo, being the Majority of the loyal British Chiefs of the Tribe of St. Regis Indians, of the one Part, and Hypolite Emlot dit Perukier of the Parish of St. Regis, Yeoman, of the other Part, witnesseth, that the said Chiefs of St. Regis, for and in consideration of the Sum of Three Pounds Five Shillings of lawful Money of Lower Canada, paid into the Hands of the said Chiefs on behalf of Kenowioqua, the Receipt whereof is hereby acknowledged, as well for and in consideration of the Rents and

(O.4.)

Cove-

No. 11.
Earl of Gosford
to
Lord Glenelg,
13th July 1837.
Enclosure No. 15.

No. 11.
 Earl of Gosford
 to
 Lord Glenelg,
 13th July 1837.

Enclosure No. 15.

Covenants herein-after reserved and contained, to be fixed and performed by the said Hypolite Emlot dit Perukier, his Heirs, Executors, Administrators, and Assigns, have granted, bargained, and to farm let, and by these Presents do grant, bargain, and to farm let, unto the said Hypolite Emlot dit Perukier, his Heirs, Executors, Administrators, and Assigns, all and singular that certain Piece, Parcel, or Tract of Land and Tenement situate, lying, and being in the Indian Reservation in the Township of Dundee and in the Province of Lower Canada, being composed of Part of Lots Number Eight, Nine, Ten, and Eleven on the broken Front of said Indian Reservation in Dundee aforesaid, and being butted and bounded and otherwise known and described as follows, (that is to say,) commencing at or near the Head of Sherwood's Creek on the Side Line which divides Lots Number Eleven and Twelve, and One Arpent North of the Head Line between the broken Front and first Concession at a Post demarking the North-west Boundary of a Lot set apart for Major John Davidson, thence following the East Side of said Sherwood's Creek to its Confluence with the Lake St. Francis, thence following the South Shore of the said Lake St. Francis down or Eastward to the Division Line between Lots Seven and Eight, thence following said Division Line South 38° East to the Head Line between the broken Front and first Concession, and thence following said Head Line West 38° South, across Lots Nos. Eight, Nine, Ten, and Part of Eleven, to a Post demarking the South-east Boundary of the afore-mentioned Lot set apart for Major John Davidson, thence North 38° West One Arpent to a Post, and thence West again 38° South One Arpent, more or less, to the Place of beginning, containing about One hundred Arpents, more or less, with their and every of their Appurtenances, together with all Ways, Passages, Waters, Watercourses, Lights, Easements, Privileges, and Appurtenances whatsoever to the said Premises belonging or in anywise appertaining; *to have and to hold* the said Land and Premises, and all and singular other the Premises herein-before mentioned or intended to be hereby granted, with their and every of their Appurtenances, unto the said Hypolite Emlot dit Perukier, his Heirs, Executors, Administrators, and Assigns, from the Day and the Date herein-before written unto the full End and Term of Thirty Years from thence next ensuing and fully to be completed and ended; yielding and paying therefor yearly and each and every Year during the said Term of Thirty Years unto the said Chiefs of St. Regis, their Heirs and Assigns, or to their lawful Agent or Attorney, on the First Day of January, the Sum of One Pound Five Shillings of lawful Money of Lower Canada: And the said Hypolite Emlot dit Perukier, for himself and his Heirs, Executors, Administrators, and Assigns, doth covenant, promise, and agree to and with the said Chiefs of St. Regis, their Heirs and Assigns, in Manner and Form following; that is to say, that he the said Hypolite Emlot dit Perukier, his Heirs and Successors, shall and will, from Time to Time and at all Times hereafter during the Continuance of this Indenture, well and truly pay or cause to be paid unto the said Chiefs of St. Regis, their Heirs and Assigns, or to their lawful Agent or Attorney, the said yearly Rent of One Pound Five Shillings at the Day and Time herein-before mentioned or appointed for the Payment thereof: Provided always, that if it shall happen that the said yearly Rent of One Pound Five Shillings shall be behind or unpaid in part or in all by the Space of One Month next over or after any of the said Days of Payment thereof before mentioned (being first lawfully demanded), it shall and may be lawful to and for the said Chiefs of St. Regis, their Heirs, Administrators, and Assigns, by their or any or either of their lawful Agent or Attorney, into the said demised Premises, with the Appurtenances, and into every Part thereof, in the Name of the whole, wholly to re-enter, retain, repossess, and enjoy, and the same to have again as in their former Estate, and the said Hypolite Emlot dit Perukier, his Heirs, Successors, and Administrators and Assigns, and all others the Occupiers and Possessors of the said demised Premises or any Part thereof, thereout and from thence to expel, put out, and amove; this Indenture, or any thing herein contained, to the contrary thereof notwithstanding: And the said Chiefs of St. Regis, for themselves, their Heirs, Successors, Administrators, and Assigns, and for every of them, do covenant, promise, and agree to and with the said Hypolite Emlot dit Perukier, his Heirs and Successors, in Manner and Form following; that is to say, him the said Hypolite Emlot dit Perukier, his Heirs and Successors, paying the said yearly Rent of One Pound Five Shillings of lawful Money of Lower Canada in Manner and Form aforesaid, and also performing, fulfilling, and keeping all and singular the Articles, Clauses, Conditions, Provisions, and Agreements herein contained, which on his or their Part are or ought to be observed, performed, fulfilled, and kept, according to the true Intent and Meaning of these Presents, shall and may lawfully, peaceably, and quietly enter into, have, hold, use, occupy, possess, and enjoy the said Land and Premises, and all and singular other the said hereby demised Premises, with its Appurtenances, for and during the said Term of Thirty Years hereby granted, without any lawful Let, Suit, Trouble, Denial, Eviction, Molestation, or Hindrance of or by the said Chiefs of St. Regis, their Heirs and Successors, or of or by any Person or Persons whatsoever claiming or to claim by, from, or under them or any or either of them, or through their or any or either of their Acts, Means, Consent, Neglect, Default, or Procurement.

Reserving, notwithstanding any thing contained in this Indenture to the contrary thereof, for the proper Use, Benefit, and Behoof of our Sovereign Lord the King and his Heirs and Successors, all Millseats, and all Mines of Gold, Silver, Copper, Tin, Lead, Iron, and Coal, that now is or that may be hereafter discovered on said Premises; and
 reserving

reserving also the Assent of Government to this Lease, to be signified by the Sign Manual of the Commander of the Forces in Lower Canada, without which this Lease cannot be final.

No. 11.
Earl of Gosford
to
Lord Glenelg,
13th July 1837.
Enclosure No. 15.

In testimony whereof, &c.,
(Signed) Soisen Teosarguantee,
Saro Orewagathe, }
Wishi Tegarahontie, } Chiefs.
Sake Tearatie,
Roren Owentiatikka,
Sose Teoragaren,
Roi Tearogononthi,
Attonioa Oquirarongo, }
his
H. Emlot dit Perukier.
Mark.

Signed, sealed, and delivered in
Presence of Louis Dufresn.
Jacob Waid.

Approved.
(Signed) James Kempt,
Com^r of Forces.

Report on the Seventh Query contained in the Circular of the 19th Nov. instant, 1836.
7th. " Amalците Indians; how many were settled on Land; what Aid was given to them; how long did they remain; what Improvements did they make, and what has become of those Improvements?"

About Thirty Families began Settlements on a Branch of the River Verte in 1829. They were assisted by Government for Two Years in Seed and some Provisions during the sowing Time.

The first Year they cleared about Seventy Acres of Land, and sowed Part of the Seed they received on their Clearance, and Part on Ground belonging to Canadian Settlers, as they feared the Fire might destroy their Crop on their own Clearance, it being surrounded by the Woods.

The Return was good and satisfactory. Some Families still live and cultivate the Land.

The Extent of their Improvements I cannot state any further than the first Year (1829), as that Settlement was not visited by me since, having received no Order to that Effect.

The Amount of Expenses incurred by Government was as follows :—

Survey of the Land	-	-	-	-	-	-	-	-	£44	7	7½
Seed furnished 1829	-	-	-	-	-	-	-	-	13	19	0
Travelling Expenses to Superintendent to the Settlement	-	-	-	-	-	-	-	-	11	3	9½
Seed furnished 1830, and Implements of Agriculture	-	-	-	-	-	-	-	-	31	10	3
Ditto and Provisions, &c.	-	-	-	-	-	-	-	-	37	15	3
									£138 15 11		

They hold 3,000 Acres laid out in 100 Acre Lots, giving each Family One Lot.
Their Title to the same is an Order in Council dated 28th May 1827, during His Excellency Lord Dalhousie's Administration.

As to the present existing Improvements or Number of Families residing on this Tract of Land, it is out of my Power to report upon, for, as I mentioned before, I have not visited the Settlement since 1829.

The whole most respectfully submitted for His Excellency the Governor in Chief's Information.

(Signed) L. J. DUCHESNAY,
Sup. Ind. Department, Q D.
To Lieut. Col. Napier,
Agent and Secretary, Indian Affairs,
&c. &c. &c.

(B.)

Report of the Honourable Mr. Justice Pyke and J. M. Mondelet, Esquire, the Deputation appointed by the Committee of the Auxiliary Society for promoting Education and Industry in Canada to proceed to Caughanawaga.

Information having been received that some Fears had been excited in the Village of Caughanawaga, in respect to the School there lately established, which had had the Effect to
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No. 11.
 Earl of Gosford
 to
 Lord Glenelg,
 13th July 1837.
 ———
 Enclosure No. 15.

to induce the Parents to withdraw therefrom a large Proportion of the Pupils, we the undersigned recently accompanied the Reverend Mr. Osgood to that Village, for the Purpose of investigating and if possible of finding out the Source and Cause of a Change so sudden and unexpected, and which seemed to threaten a total Failure in the benevolent Designs of the Society to promote the Happiness and Welfare of so considerable a Number of their destitute and uninstructed Fellow Creatures; and it occurring to the Reverend Gentleman as probable, that without the Interference of the resident Missionary and of the Chiefs of the Village such an Event could not likely have been brought about, we, therefore (without attending to the many Rumours and unpleasant Reports which without Number were in circulation) thought it most advisable to request an Audience of the Reverend Mr. Marcoux the Missionary, and of the Chiefs of the Village, which we accordingly obtained.

To the Missionary we had first an Opportunity of stating some of the Reports as to his individual Interference, particularly of his having said that those who attended or supported the School he would exclude from a Participation in the Holy Sacraments of the Church. This he positively denied; but he at the same Time unreservedly expressed his Disapprobation of the Means now used to instruct the Children of his Mission, and declared that he would not countenance or support the School, as he conceived it was calculated and intended to weaken the Catholic Principles of those Children, and withdraw them from his Church.

He was then fully informed of the real Views and Motives of the Society, whereof he appeared heretofore to have entertained very imperfect and erroneous Ideas, and after every Explanation given, was asked if he would consent to become the Superintendent or Visitor of the School, which he however declined, unless so directed and authorized by his Ecclesiastical Superiors.

This we conceived was sufficient to account for what had occurred in the Diminution of the Number of Pupils. We nevertheless then proceeded to the Place where the Chiefs to the Number of Thirteen had assembled, and through an Interpreter several Questions were proposed to them; they were particularly asked whether they had found or had Reason to suspect that any Conduct had been observed by the now Teacher, Mr. Forest, to induce them to withdraw their Confidence, or whether he had in any Manner and on any Occasion interfered with the Religion or religious Duties of his Pupils.

To which they gave a very prompt and general negative Answer; and the Missionary present added that he had never heard the smallest Observation against the Character or Conduct of Mr. Forest.

This Answer and such Testimony fully satisfied us that the Confidence of the Society had not been misplaced in the Selection of a Teacher, and that he was to the full Extent worthy of the Trust reposed in him.

From the Answers of the Chiefs to other Questions, we were given to understand, that when they consented to the Establishment of a School in the Village they had understood it was by an Order from His Majesty or His Representative, but they had since learned that this was not the Case; and from the whole it was evident that they had imbibed the Sentiments of the Missionary, and were guided by his Opinion; and they finally declared that they were obliged and thankful for the Bounty of the Society and its Supporters, but that they could not accept thereof unless the School was conducted by a French and Catholic Teacher.

After such an express Declaration, so perfectly in unison with the Sentiments of the Missionary, we did not think it prudent or necessary to make further Inquiry.

We would however respectfully recommend that an early and direct written Application should be made to the Catholic Bishop in this District, to solicit his Support and Sanction for the School as now conducted, or to obtain from him the true Motives which might influence him to withhold such Support, that if possible Means may be adopted to obviate any existing Difficulty to the Attainment of the benevolent Objects of the Society. And in the meantime we would with much Deference submit whether it will not be desirable and expedient that the School, though now thinly attended, be kept up, that at least the Society may not have to reproach itself of a Want either of Exertion or Perseverance in the Cause of suffering Humanity, wherein upon such liberal Principles it is now so laudably engaged.

Montreal, 18th January 1837.

(Signed) GEO. PYKE.

IN THE BRITISH NORTH AMERICAN COLONIES.

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(C.)
QUARTERLY REPORT OF INDIAN YOUTHS under the TUITION of CHARLES FOREST, 30th September 1836.

No.	Names.	Age.	Place and Tribe.	Father's Name.	When admitted.	How employed in School.	How employed out of School.	Progress.
1	Eusebe Vincent	Yrs. Mo's. 18 9	Lorette, Huron	Vincent Ferrier	12th Nov 1832	Reading, Writing, Arithmetic, Grammar, and Geography.	Cutting Wood, &c.	8th Reading Class, 10th Arithmetic Class, Grammar, and Geography.
2	Thos. Bastien	16 9	Ditto	John Baptiste Bastien	Ditto	Ditto	Ditto	Ditto.
3	Maurice Bastien	13 6	Ditto	Stanislas Bastien	Ditto	Ditto	Ditto	Ditto.
4	Ignce Teronyoten	10 9	Caughnawaga, Mohawk.	Joseph Arirhon	14th June 1835	Ditto	Ditto	Ditto.
5	Jos ^h Tehanekorensen	8 9	Ditto	-	16th Sept. 1835	Ditto	Ditto	4th Reading Class, 2d Arithmetic Class.
6	Dome Picard	13 9	Lorette, Huron	Laurent Picard	18th Sept. 1835	Ditto	Ditto	6th Reading Class, 5th Arithmetic Class.
7	Antoine Koska	13 9	Ditto	Fatherless	1st Oct. 1835	Ditto	Ditto	7th Reading Class, 7th Arithmetic Class.
8	Jos ^h Teroniakhentenhon	14 1	Caughnawaga, Mohawk.	Michel Saionwatikak	11th July 1836	Ditto	Ditto	2d Reading Class, 2d Arithmetic Class.
9	Ignce Onihkoton	11 0	Ditto	Thomas Sawenwownane	Ditto	Ditto	Ditto	2d Reading Class, 2d Arithmetic Class.
10	Mich ^l Sitsiakenna	8 0	Ditto	Michel Sarenhise	Ditto	Ditto	Ditto	1st Reading Class.

Chateauguay,
30th September 1836. }

(Signed)

CHARLES FOREST.

No. 11.
Earl of Gosford
to
Lord Glenelg,
13th July 1837.
Enclosure No. 15.

No. 11.
Earl of Gosford
to
Lord Glenelg,
13th July 1837.

Enclosure No. 15.

(D.)

Respected Sir,

St. Regis, 9th Nov. 1835.

It is with Regret I am impelled from a Sense of Duty to state, that since a large Portion of the Tribe have manifested no Disposition to have their Children educated, and have made Objections to my having a School in their Village, and that those Objections have been transmitted to his Lordship the Commander of the Forces, I deem it my Duty to resign my temporary Appointment "as Schoolmaster at St. Regis."

You are aware whence those Objections originated, or the Influence which has operated in the Minds of my poor deluded and unfortunate Countrymen.

"Necessity has no Law; we must submit to its Decision." Government is an Ordinance of God, and the Powers that be must be obeyed.

My Motives, I trust, when I entered into the Work, were of the purest Kind; but as my Countrymen have not appreciated them, and I have no Desire to give them any Uneasiness on the Subject, I shall therefore cease this Day to teach under the Patronage of Government.

I think Christian Sincerity and Plainness of Speech require it of me to say, that I cannot conscientiously comply with the Instructions contained in the Letter of Mr. Hughes to you, viz. I ought to tell the Children "that they were brought up in the Roman Catholic Faith, they had a Missionary to instruct them in their Religious Duties, and that they were bound to listen to his Advice as regarded their Religion."

As a Protestant Clergyman, and that too under the Protestant Government, to be compelled to do this, I should consider as infringing the Liberty of Conscience which I have hitherto enjoyed.

To maintain my Integrity I cannot exhort the Pupils (who may be committed to my Charge for Instructions) to attend the Ministrations of a Popish Priest.

Since my Arrival amongst these People I have endeavoured to give no Offence on the Subject of Religion. "Yet," in the Language of Heman, "all this availeth nothing" by those who are determined to maintain the miserable System of the dark Ages, that "Ignorance is the Mother of Piety."

I do not yet despair of seeing the good Work accomplished in due Time amongst these most degraded and misguided People.

The present Time is a Time conspicuous for the Exertions of conflicting Spirits in our Country, and I am of opinion not an unfavourable Time for the true Friends of Zion and her King to give a happy Turn to Religious Opinion and Feeling amongst us.

With the greatest Respect, I am, &c.

S. Y. Chesly, Esq.
&c. &c. &c.

(Signed) ELEAZAR WILLIAMS.

(E.)

Copy of the Answer of the Superintendent of Montreal to the 5th Query proposed by the Committee of the Honourable the Executive Council in reference to the English School at the Lake of the Two Mountains.

5th Query.—What has been done towards educating the Indians; Extent of Success, or Cause of Failure?

Answer.—Last Year, 1835, was I believe the first Time that a Sort of an elementary School was established at the Lake of the Two Mountains, at the Request of his Excellency Lord Aylmer, but entirely at the Expense of the Seminary of Montreal, but I am sorry to say with no Success whatever; the Establishment is now entirely broken up. The Cause of Failure is, I imagine, as follows: The Indian Children among all Tribes have entirely their own Will; are never thwarted by their Parents in any thing they may do; the Generality of them are wild, and more fond of Play and running about than minding their Books.

If the Child himself of his free Will (which but seldom happens) goes to School, well and good; an Indian Parent will never punish or say a harsh Word to his Son to make him go; and should they be rebuked or corrected by the Schoolmaster it is enough to prevent their returning to School as long as they are within Reach of their Parents. I am of opinion, that were an elementary School established at a certain Distance from the Indian Villages, with a certain Tract of Land attached thereto, with a proper Schoolmaster, the Indian Youth, with Attention and lenient Measures, might become good Scholars, and many of them would be fond of cultivating the Land.

(Signed) JAMES HUGHES, Sup. Ind. Dept.

Montreal, 27th November 1836.

Enclosure 16. in No. 11.

Sir,

Quebec, 28th January 1837.

I am directed by the Commissioners of Inquiry to acquaint you that they have had under Consideration the Petition which you have delivered from the Indians of Lorette, dated the 14th October last, together with a former Petition from them, dated the 19th October 1835, and the several public Documents on Record respecting their Claim to the Seignury of Sillery, as well as the Statements you have yourself offered to the Commissioners on the Subject.

It appears to be admitted that the Indians have no Right to the Seignury of Sillery which could be enforced in a Court of Law; but their Claim is submitted as one upon the equitable Consideration of the Government. The Facts on which the Claim depends have been so often stated that they will only be recited here so far as is indispensable to explaining the Conclusion which the Commissioners have adopted.

In 1651 the Company of New France granted to the Indians the Seignury of Sillery, to consist of One League in front from Cape St. Joseph ascending to the River St. Lawrence, by Four Leagues in Depth, the Society of Jesuits being appointed Administrators of the Property. This Grant was confirmed by the King of France. In 1699, upon a Statement by the Jesuits that the Indians had abandoned the Seignury, and not observed the Conditions, it was granted to the Jesuits themselves, free from any Trust for the Indians; and this Grant, like the former one, was ratified by the Royal Authority. On this Second Occasion, however, the Seignury was no longer described as of Four Leagues in Depth, but only One League and a Half; for it appears that beyond that Depth one Giffard was considered to have a prior Claim, by virtue of an Instrument dated in 1647, previous to the original Grant of Sillery; and Giffard had in 1667 made over his Lands under that Instrument to the Jesuits, who obtained a License from the Crown of France to hold the Property in Mortmain, and in various public Acts described it as abutting on Sillery in the Rear, at the Distance of One League and a Half from the River St. Lawrence. Thus the Jesuits became possessed absolutely of the whole Extent of the original Grant of Sillery, Part by the Regrant to themselves in 1699, and Part by the Donation to them from Giffard. The Estates have since passed into the Possession of the Crown, as Successor to all the Property of the Jesuits, and their Revenues have by His Majesty been dedicated to the Encouragement of Education.

The Indians maintain that the Allegations on which the Jesuits obtained the Regrant of the abridged Seignury of Sillery to their own Use in 1699 were untrue; they argue, with respect to the Remainder of the Seignury, that the Grant to Giffard in 1649 was not a specific Grant of Land which could conflict with the clear and definite Grant to themselves in 1651, but rather an Authority to receive a certain Quantity of Land to be designated by the Governor, of the making of which Designation in the Rear of Sillery, or prior to the Grant to the Indians, no Proof is adduced; and further the Indians contend, that as Guardians of the Savages the Jesuits could not lawfully accept either the Grant from the Crown in 1699, or the Donation from Giffard in 1667, to the Prejudice of their own Wards.

The Commissioners however cannot overlook the Fact that all these Transactions received the weightiest Sanctions which the Forms and Practice of the French Government could afford. They took place with the Assent and Approval of the highest local Officers, and with the Confirmation of the Crown itself. Whether the Allegations which passed these high Authorities were untrue, or whether the general Character of the Proceedings was unjust, is a Question on which the Commissioners cannot think it would be possible, at this Distance of Time, to pronounce a positive Opinion, without great Danger of Error. 170 Years in one Case, and nearly 140 in the other, have elapsed since the Dates of the Titles under which the Estates in question have been held, first by the Jesuits, and afterwards by His Majesty, as Successor to their Rights. It is acknowledged that these Titles cannot be shaken in Law; it has been shown too that they are vouched for, as it were, by the Ratification of all the most solemn Powers which could be brought to bear on the Acts at the Time they were passed. Under these Circumstances the Commissioners do not deny the Possibility that in the Proceeding of 1699 the Jesuits may have acted with an improper Disregard for the Interests of the Tribes committed to their Care, or that the Preference given to Giffard's Claim under so vague an Act as that of 1647 may have been undue; on the contrary, they admit that considerable Doubts are raised on both Points; but they see the strongest Objections to attempting, after the Lapse of a Century and a Half, to decide those Doubts by Authority, and to pronounce that the Rights enjoyed during that extensive Period can no longer be retained equitably, without making a Compensation to other Parties. The Commissioners therefore cannot give their Opinion in favour of the Claim of the Indians either to the Seignury of Sillery or to an Indemnity for it.

The Commissioners are at the same Time quite willing to admit, that on Grounds of Liberality it would be desirable that the Crown should continue to the Indians any Advantages they had enjoyed from the Jesuits until the Extinction of that Order, and this View seems to have been taken by Sir George Murray in a Despatch dated 25th January 1830, included in the Papers laid before Parliament in 1834 on the Aboriginal Tribes of the British Colonies. It appears by the same Papers, that in pursuance of this View certain

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Earl of Gosford
to
Lord Glenelg,
13th July 1837.
Enclosure No. 16.

Repairs

No. 11.
Earl of Gosford
to
Lord Glenelg,
13th July 1837.

Enclosure No. 16.

Repairs of the Church at Lorette, at the Expense of Government, were sanctioned by Lord Goderich, 1830.

But inasmuch as the main Benefits derived from the Jesuits seem to have consisted of that general Superintendence and Provision for Instruction which the Indians of Lorette enjoy of the Crown at any rate, under the System pursued towards the Aboriginal Tribes in this Province, there does not appear to be any special and privileged Advantage which they claim on the Ground now under Consideration. They are as it is under the Protection of the Crown, and have the Benefit of the Services of a Schoolmaster and a Missionary supported from the Funds of Great Britain. The Question, therefore, what should be done for them, resolves itself into the Question of what ought to be done for the Indians in the Province generally, and this is a Subject too extensive for the Commissioners to enter into at the present Time, but they cannot doubt that it will always be regarded by the Government with that Interest which so many Motives of Humanity dictate; and as they understand that the Management of the Indians is at this Moment under the Consideration of the Executive Authorities, they will cause a Copy of the present Letter to be communicated to them for their Information. They propose to take the same Opportunity of earnestly recommending that the Want of Garden Lots for the People of Lorette, in the immediate Vicinity of their Village, should not be lost sight of in the Report to be made to His Majesty's Government.

The View which the Commissioners have taken of the Case will be communicated to the Chiefs of Lorette personally.

Andrew Stewart, Esq., M.P.P.

I have, &c.
(Signed) T. F. ELLIOT.

Enclosure 17. in No. 11.

Enclosure No. 17. A Son Excellence Archibald Comte de Gosford, Baron Worlingham de Beccles, &c.,
Gouverneur en Chef du Bas Canada, &c. &c.

Mon père,

Qu'il te plaise nous permettre de te féliciter sur ta nomination au Gouvernement de cette province, et de te remercier sincèrement pour les bienfaits que nous avons reçus de toi.

Depuis qu'il a plu au Tout-puissant de nous placer sous le Gouvernement paternel de la Grande Bretagne, nous avons eu qu'à nous louer des bons traitemens qu'il nous a prodigués; aussi de notre part avons nous toujours marqué notre reconnaissance par un attachement et par une fidélité à toute épreuve, et même dans le temps du danger nous n'avons pas craint d'exposer notre vie pour repousser l'ennemi de notre souverain.

Ce n'est pas pour rappeler des services que nous avons déjà oubliés que nous t'adressons aujourd'hui,—jusqu'à présent la main bienfaisante de notre souverain nous a amplement récompensés des sacrifices que nous avons faits; ce n'est pas non plus pour demander de nouvelles récompenses,—celles que nous recevons tous les ans nous suffisent; mais, mon père, nous avons appris avec le plus grand chagrin que tu avais enjoint aux officiers du département sauvage de nous informer que ta volonté était que les enfans qui naîtraient de nos femmes après le premier de Mai prochain seraient jugés indignes de partager les équipemens que nous recevons annuellement de la munificence royale.

Nous ne pouvons cacher que cette nouvelle nous a navré le cœur, et fait verser des larmes. Et quoi avons nous dit: Notre Roi, aura-t-il honte de regarder nos enfans du même œil qu'il regarde ceux de nos pères? Croit-il qu'ils manqueront de cœurs pour l'aimer et de bras pour le servir et le défendre? Nous avons pensé d'abord que cette nouvelle nous était apportée par quelque oiseau de mauvais présage, qui nous voulait du mal, et qui cherchait à assouvir sa vengeance en nous troublant l'esprit. Cependant, ces bruits se confirment, et nos villages prennent l'alarme; nous et nos enfans pleurons, et nos femmes nous reprochent la naissance de leurs nouveaux-nés, parce que tu les sépares de leurs frères aînés en les déclarant indignes de la bonté royale.

Mon père, ces présents (puisque on nous a appris à les nommer ainsi) ne sont pas dans le fait des présents, c'est de la part du Gouvernement une dette sacrée promis à nos pères par les Rois de France pour les indemniser des terres qu'ils leur ont abandonnées, et confirmée par les Rois d'Angleterre depuis la cession du pays, et jusqu'à présent punctuellement payée et acquittée.

Nos ancêtres étaient habitués à vivre du fruit de leurs chasses, mais cela est impossible pour nous, et le sera encore bien d'avantage pour nos descendens; la marche de l'émigration Européenne a envahi toutes nos terres de chasse, et en abattant les immenses forêts dont elles étaient couvertes, a éloigné toutes les bêtes sauvages dont la chair nous servait de nourriture, et les riches fourrures nous faisaient faire avec les aventuriers un commerce profitable, qui suffisait à tout les autres besoins de la vie. Maintenant que cette ressource nous est ravie, que feront donc nos enfans, si déjà, avant qu'ils soient nés, on les prive du seul moyen de subsistance qu'ils peuvent tenir de leurs pères?

C'est donc à cette fin que nous, les principaux chefs de Sept Nations sauvages du Bas Canada, nous sommes assemblés aujourd'hui au village du Sault St. Louis, dans une maison sur laquelle nous avons arboré le pavillon Britannique en signe de dévouement, et que nous avons à l'unanimité résolu de te faire une humble prière, afin que tu prennes part à nos peines, et que tu présentes à notre père le Roi nos justes réclamations.

Le

Le caractère magnanime dont tu as fait preuve depuis que tu as traversé les mers pour administrer le gouvernement de cette province, nous porte à espérer que tu ne dédaigneras pas la prière des vrais habitans du sol, jadis propriétaires de tout un continent, et maintenant dénués de tout, et que tu emploieras ton influence auprès de notre Souverain pour qu'il ne tire pas une ligne de distinction entre ses enfans et leurs pères, et qu'il continue à ces premiers, si non comme dette, du moins comme faveur, la distribution annuelle d'équipemens que les derniers ont coutumé de recevoir.

Nous sommes fâchés, mon père, que notre prière soit si longue. Cependant nous ne pouvons nous empêcher de te prier d'assurer notre Souverain que nous offrons tous les jours au Très-haut de ferventes prières, afin qu'il lui accorde une longue vie et un règne paisible et heureux; et crois que pour toi nous ferons les mêmes vœux avec la plus grande sincérité.

Tes enfans, les chefs de Sept Nations de sauvages du Bas Canada, assemblés en conseil au Sault St. Louis, district de Montréal, ce jour 3^e Février 1837.

Signed by Martin Ze Kanasentic and Five other principal Chiefs of the Tribe of Sault St. Louis.

Signed also by Charles Kanawato and Three other principal Chiefs of the Lake of Two Mountains and Iroquois Tribes.

Also by Frans. Kontininketeh and Five other principal Chiefs of the Tribes of Algonquins and Nipissing of the Lake Two Mountains.

Also by P. Karenkiarakeren and Three other principal Chiefs of the Iroquois Tribe of St. Regis.

Also by P. Taikcuniate and Twenty-one other War Chiefs of Sault St. Regis.

Also by Jos. Onenkaralkowa and Seven other War Chiefs (Iroquois) of the Lake Two Mountains.

Also by J. B^e Makorah and Six other War Chiefs (Algonquins and Nipissings) of the Lake Two Mountains.

Also by Louis Tarakonnonte and Seven other War Chiefs of St. Regis.

Enclosure 18. in No. 11.

To His Excellency the Right Honourable Archibald Earl of Gosford, Governor in Chief of Upper and Lower Canada, and Vice Admiral of the same, and one of His Majesty's Most Honourable Privy Council.

Enclosure No. 18;

The humble Memorial of the Chiefs and Warriors of the Algonquin and Nippissingue Indians, in the Name of themselves and their respective Nations, Tribes, and Kindred,

Most respectfully represent,

That we, the Indian Chiefs and Warriors who now most respectfully approach your Excellency, do, for ourselves and our respective Nations, Tribes, and Kindred, humbly and obediently implore your Excellency, as our temporal Father and Protector, to vouchsafe your gracious Intention to and Consideration of this the humble Memorial of the Grievances and Deprivations which we your Red Children have long endured patiently and submissively without Complaint; under the Conviction, however, that those Grievances, now becoming more and more burdensome, when made known to your Excellency our Father would obtain Retribution, Justice and Equity having ever been co-ordinate with the Government over which you continue so meritoriously to preside.

We most humbly beg to expose to your Excellency our Father, that we and our Ancestors have immemorially, or from the remotest Antiquity, held, used, occupied, possessed, and enjoyed as Hunting Grounds the Tract of Land lying on either Side of the River Ottawa and Little Rivers as far as Lake Nipissing, that is to say, comprehending both Banks of the River Ottawa and of the River Matawangué, called by the Voyageurs the Little River, to the Height of Land separating the Waters of the Lake Nipissing from those of the Little River, together with the Countries watered by the several tributary Streams of the River Ottawa and Little Rivers running North and South from their Sources. The Distance from the Township of Grenville to Lake Nipissingue by Canoe Navigation is computed at One hundred and seventeen Leagues, One hundred of which comprise the River Ottawa to the Junction of the Little River, with the River Matawangué; the actual Settlement at present by the Whites extending from the said Township of Grenville to that of Onslow inclusive on the North Shore of the Ottawa River.

That our Great Father George III., of glorious Memory, by his Royal Proclamation given at the Court of St. James the 17th Day of October 1763, promulgated to us your Red Children, and the other Indian Tribes of North America, by the Honourable Sir William Johnson, Bart., our Great Father's Superintendent of Indian Affairs, in a Proclamation dated at Johnson Hall on the 24th Day of December 1763, did expressly declare and provide, "that the Lands claimed by the Indians as their Hunting Grounds are reserved to them for that Purpose, and that they shall not, under any Pretence whatever, be molested or disturbed in the Possession thereof, unless they should be inclined to dispose of the same;" in which Case it is further declared and provided, "that the same shall be pursued and chased

No. 11.
Earl of Gosford
to
Lord Glenelg,
13th July 1837.

Enclosure No. 17.

No. 11.
Earl of Gosford
to
Lord Glenelg,
13th July 1837.
Enclosure No. 18.

“ chased for our Great Father in His Royal Name at some public Meeting or Assembly
“ to be held for that Purpose by the Governor or Commander in Chief.”
Now, may it please your Excellency our Father, extensive Grants have been made, and converted or erected into Townships and Settlements for the Whites, by your Excellency’s Predecessors, of the Territory so immemorially held, used, occupied, possessed, and enjoyed by us your Red Children as Hunting Grounds, without regard to and notwithstanding the Provisions of the above Royal Proclamation of our Great Father, no Purchase or Compensation for the Lands so taken and dismembered from our Hunting Grounds having ever been made of or to us or any of our Tribes, Nations, or Kindred, although in all similar Instances, when Lands claimed by contemporary Tribes in Upper Canada have been required by our Great Father, the same have been uniformly purchased at a stipulated Price, or for some certain Compensation, in obedience to the above Royal Proclamation of our Great Father.

That it may please your Excellency our Father, we the Algonquin and Nippissingue Indians do not possess any Lands yielding to us any Revenue, and hence are solely dependent upon the Chase on our Hunting Grounds for Support and Maintenance; and although your Red Children have not failed to view the progressive Settlement by the Whites of our Hunting Grounds from the Township of Hawkesbury to the last Settlement inclusive as a Forgetfulness of the above Royal Proclamation of our Great Father, we have nevertheless abstained hitherto from preferring any Representation on the Subject to the Government whereof your Excellency our Father is now at the Head; but observing that the present rapidly increasing Settlement of the Upper Province, and of that Part thereof comprehending the Hunting Grounds of your Red Children lying on the North Side of the River Ottawa, and that the indiscriminate and wanton Destruction by the Whites or new Settlers of the Beaver and other Animals from which the most valuable Furs are derived will ere long annihilate our Chase, and deprive us of the sole Means which have hitherto been the Support of our Tribes from long and immemorial Custom, we are irresistibly compelled to supplicate the Aid and Protection of your Excellency our Father touching our humble Claim to reasonable Indemnification for the Lands on the North Side of the River Ottawa, thus dismembered from our Hunting Grounds without Purchase or Compensation, notwithstanding the above Royal Proclamation of our Great Father the King.

That, may it your Excellency our Father, we your Red Children of the Tribes of the Algonquin and Nippissingue Indians do not presume or venture to entertain the Belief that the Lands already dismembered from our Hunting Grounds, and converted and erected into Townships for Settlement by the Government over which your Excellency our Father now presides, will be restored to us; but we do believe that a fair and reasonable Compensation for the Lands lying on the North Side of the River Ottawa so dismembered from our Hunting Grounds will be allowed and conceded unto us, in obedience to the above Royal Proclamation of our Great Father. And we do humbly and confidently appeal to your Excellency our Father to ratify and confirm to us your Red Children the Use, Occupation, and Possession of the Hunting Grounds on the North Side of the River Ottawa which yet are reserved to us; and that in case we your Red Children, or our Descendants, may at any Time be hereafter inclined to dispose of the said Lands, that the same be purchased for our Great Father in His Royal Name at such public Meeting or Assembly of the Indians to be held for that Purpose; and moreover we humbly pray that your Excellency our Father will be pleased to command, by Proclamation or otherwise, that all Intruders or Squatters do forthwith depart from and leave undisturbed and unmolested the Hunting Grounds yet reserved to and possessed by your Red Children, the whole in obedience to the above Royal Proclamation of our Great Father.

We do by this our Memorial humbly submit to your Excellency our Father the foregoing Representation of the Grievances and Deprivations which we your Red Children have endured and are likely to endure from the gradual Dismemberment of our Hunting Grounds, possessed by us immemorially, and reserved and confirmed to us by the above Royal Proclamation of our Great Father of glorious Memory; and while we humbly recall to your Excellency our Father’s Recollection that our Tribes have respectively been distinguished for Fidelity, Bravery, and general good Conduct and Attachment to the Royal Cause of our Great Father, particularly during the American Rebellion, we do yet wholly repose on the Wisdom of your Excellency our Father, to whom we humbly pray for the Redress of our Grievances and Deprivations, and for the Dispensation of Justice and Equity touching the same.

And as in Duty bound we your Red Children will ever pray.

Nippissingues.

F. papino for Nipissingues.

- F. x papino.
- simo x Kiweksat.
- Chapatis x Kilhikomanito.
- nias x Chawanape.
- Chapantis x Wapichip.
- newi x tchaki.
- x pana sarve otchik.
- tominick x patse.

Algonquins.

Wiam Echkwegabawitch for Algonquin {

- × Ignace × Meiwachkawatch.
- × J. Baptiste × Kikouse.
- × Simon × Chawanasiketch.
- × François × Migwanabai.
- × Antoine × Pakinawatik.
- × Benjamin × Osawakik.
- Joseph × Stokwa.

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to
Lord Glenelg,
13th July 1837.
Enclosure No. 18.

We certify that the above-named Chiefs and Warriors of the Nipissingue and Algonquin Tribes, who were unable to write, have made their respective Marks with a Cross in our Presence.

(Signed) JAMES MAC MILLAN.
G. G. SHARPE.
DUROCHER, P^{re} Miss^{re}.

Enclosure 19. in No. 11.

Sir,

Montreal, 23d March 1837.

Enclosure No. 19

In reference to a Paper, which was presented to His Excellency Sir James Kempt, headed, "Suggestions for the better Education of the Indian Tribes in Lower Canada," and likewise to a subsequent Correspondence which took place under his Administration and that of Lord Aylmer, and in reference more particularly to Estimates transmitted by me for an Institution in which some Knowledge of Agriculture and the Mechanic Arts might be imparted to the Indians conjointly with a common English Education, I now beg leave to state, for the Information and Consideration of His Excellency the Governor-in-Chief, that a favourable Opportunity offers for carrying into effect the above-mentioned Plan wholly or partially, as may be judged most advisable by his Lordship.

When Lord Aylmer inspected the School at Chateauguay it appears his Lordship was so much pleased by the Progress made by the Indian Youths that he observed, *Funds were no Object in promoting so useful a Measure* as the training up of the Indians to Habits of Order, Sobriety, Industry, and good Morals; and it was then that his Lordship directed the Number of the Pupils to be doubled. There has been, however, a Deficiency in the System from the Beginning, for the Experiment could not be fairly tried for Want of a suitable Building, and Ground attached to it, where the Pupils could be exercised in Husbandry if not in some of the Mechanic Arts also, and which might be done by separating them into Two Classes, and dividing their Time between Study and Work.

It was the Opinion of Sir James Kempt that the annual Presents might gradually be exchanged for Agricultural Implements; and it cannot be questioned that, if the Indians were trained to practical Husbandry, in addition to the ordinary Instruction they now receive, it would go far to civilize and domesticate them; and, by acquiring a Taste for cultivating the Soil, they would afterwards be likely to secure a more certain Livelihood than what is now earned by the Chase, or the demoralizing Occupation of rafting. I am so persuaded of the great Benefit that would result from giving the Indians some Knowledge of farming, that I had it in contemplation to offer for that Purpose a Piece of cleared Ground, Rent-free, near St. John's; and nothing would have been then wanting but the Erection of a plain substantial Building, and Outhouses, which would not have cost much. But the Offer which has just been made to me of a Stone or Brick House, formerly the Commandant's Quarter, at the Fort of St. John's, and a contiguous Dwelling House and Out-buildings, together with Forty Acres of good arable Land, all at the very low Rent of 15*l*. per Annum, appears to me so advantageous, and so eligible as to Situation, that I thought this might be preferred; but if His Excellency should choose to build rather than to rent, I am ready to make a sufficient Allotment of Ground in a good Site opposite to St. John's.

When it is further considered that the Chateauguay School-house is going fast to decay for want of Funds to repair it, and that the Trustees speak of selling it, in order to clear off a growing Debt thereon, perhaps His Excellency may be disposed to view my Proposal favourably, and to direct the Removal of the Boys in the ensuing Spring. Another and no inconsiderable Advantage from the Adoption of this Measure would be the raising of sufficient Provisions for the Supply of the House; and if the Land were managed by a good Farmer, it might, I conceive, in a short Time cover the chief Part of the Expenses of the Establishment. This will appear from the following:—

The first Expenses (which would not recur) would be for a few Field Implements, some plain House Furniture, some Live Stock, Fencing, Seed.

The Wages of a managing Farmer would be about 45*l*. per Annum, the Rent of Farm and Buildings 15*l*., making together 60*l*., which might be defrayed out of the Produce of the Farm

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Forty

No. 11.
Earl of Gosford
to
Lord Glenelg,
13th July 1837.

Enclosure No. 19.

Forty Acres would grow say,			
Wheat 25 Acres, each 20 Bushels, @ 5s.	worth	- - -	£125 0 0
Indian Corn 5 Acres, each 25 Bushels, @ 2s. 6d.	worth		15 12 6
Potatoes 5 Acres, each 100 Bushels, @ 1s.	worth	- - -	25 0 0
			<u>£165 12 6</u>

Hay, Oats, &c. 5 Acres for Horse and Cow, not reckoned.
I trust I have noticed enough Particulars for the present.

Colonel Napier,
Superintendent of India Affairs, Quebec.

I have, &c.
(Signed) W. P. CHRISTIE.

Enclosure 20. in No. 11.

Sir,
Enclosure No. 20. In compliance with the Governor in Chief's Directions, communicated to me in your Letter of the 29th ultimo, I now transmit the subjoined Estimates for His Excellency's Consideration; and have, &c.

Colonel Napier,
Superintendent of Indian Affairs, Quebec.

Montreal, 1st April 1837.
(Signed) W. P. CHRISTIE.

Estimate of First Half Year's Expenses at St. John's.

	£	s.	d.
Fencing Forty Acres	-	-	40 0 0
Field Implements	-	-	10 0 0
Seeds	-	-	26 0 0
House Furniture, Repairs, and Alterations	-	-	50 0 0
Horse and Cow	-	-	15 0 0
Live Stock	-	-	5 0 0
Sundries	-	-	4 0 0
			<u>150 0 0</u>
Outlay	-	-	22 10 0
Managing Farmer	-	-	7 10 0
Farm Rent	-	-	124 16 0
Board of Twelve Boys (supposed to be 8s. each per Week)	-	-	12 0 0
Clothing for Twelve	-	-	10 0 0
Fuel, Lights, &c.	-	-	
Total	-	-	<u>£326 16 0</u>

Estimate of Second Half Year's Expenses at St. John's, and afterwards.

	£	s.	d.
Teacher's Salary	-	-	50 0 0
Managing Farmer	-	-	22 10 0
Farm Rent	-	-	7 10 0
Clothing for Twelve Boys	-	-	12 0 0
Fuel and Lights, &c.	-	-	10 0 0
Interest on 150L, Outlay the First Half Year	-	-	4 10 0
			<u>106 10 0</u>
Half Year	-	-	213 0 0
Per Annum	-	-	29 0 0
Deduct Surplus Produce of Forty Acres*	-	-	
Balance	-	-	<u>£184 0 0</u>

* The Subsistence of Twelve Boys is estimated at 1L per Month each; the Produce of the Farm would therefore relieve Government according to this Computation:—

	£	s.	d.
Farm	-	-	173 0 0
Subsistence	-	-	144 0 0 for One Year.
Balance in favour of Government	-	-	<u>29 0 0</u>

The annual Cost to Government, now amounting to 249L. 12s., for Twelve Boys Board, may by this Plan be reduced to 184L., even including the Interest of the first necessary Outlay; thus showing a Reduction of 65L. 12s. per Annum on the present Expenditure.

Estimate

IN THE BRITISH NORTH AMERICAN COLONIES.

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Estimate of First Half Year's Expenses at Christieville.

	£	s.	d.
A Stone School-house, to include a School-room and Lodging for Teacher, Managing Farmer, and Twelve Pupils, Furniture and Books, also Outbuildings. (N.B.—Stone is found on the Spot.)	-	-	-
Fencing Forty Acres	-	-	-
Seeds	-	-	-
Field Implements	-	-	-
Horse, Cow, and other Live Stock	-	-	-
	£600	0	0

No. 11.
Earl of Gosford
to
Lord Glenelg,
13th July 1837.
Enclosure No. 20.

Estimate of Second Half Year's Expenses at Christieville.

	£	s.	d.
Teacher's Salary	-	-	-
Managing Farmer	-	-	-
Clothing of Twelve Boys	-	-	-
Fuel and Lights, &c.	-	-	-
Interest on 600L, Outlay the First Half Year	-	-	-
Half Year	-	-	-
Per Annum	-	-	-
Deduct Surplus Produce of Forty Acres—(see Note, p. 66.)	-	-	-
Balance	£196	0	0

N.B.—Difference between the hired Farm at St. John's and the conceded Farm at Christieville, besides the new substantial Buildings and the Acquisition of a permanent Site, 196L.

Enclosure 21. in No. 11.

My dear Sir,

Montreal, 3d April 1837.

After despatching the Estimates on Saturday, I received your private Note, and have conferred with Mr. Sisson, who tells me that the Tenders have been sent home, but that the Lease has not been made out. Mr. Macdonald of St. John's is the Lessee, who offered it to my Agent, Mr. McGinnis, who wrote to me as follows:—"March 21st. Immediately on Receipt of your Letter last Evening I went in search of the Lessee of the Government Ground, intending to reply by Return of Post, but he was absent from home. I returned To-day, and saw him; he has promised me the Refusal of it till next Week. He has not yet taken a Lease, so that, should you receive a favourable Answer from the Governor, the Lease may come out in your own Name. The Place is well calculated for the Purposes you intend it." I have written to him again To-day to ask Mr. Macdonald if he is willing to renounce it formally when I receive a decided Answer from you, so that I expect to have his Reply by the Time I obtain yours. If it is determined to retain the Ground, it can easily be done, by laying Mr. Macdonald's Renunciation before the Board of Officers at Quebec, who (Mr. Sisson says) will forward it to the Ordnance Office; and if accompanied by a Requisition, that His Excellency wishes to apply it to the Purposes in question, it will be granted.

Enclosure No. 21.

In the Hurry of expediting the Estimates to catch Saturday's Post, I have probably made some Omission or Error. One of the last I think I have discovered, which is, that the Difference between renting at St. John's and building at Christieville ought to be 12L, instead of

Should be deducted from the Second Half Year at Christieville	-	-	-
Leaving in favour of building	-	-	-

The 15L. Rent would also be saved to the Government by resuming Grounds, or rather saved to the Indian Department.

Perhaps I omitted the *Particulars* of the estimated Produce of the Farm of Forty Arable Acres next Autumn; viz.

	£	s.	d.
Wheat 25 Acres, each 20 Bushels, @ 5s. - lowest Price	125	0	0
N.B.—The Seed is computed at the actual high Price, 8s.			
Indian Corn, 5 Acres, each 25 Bushels, @ 2s. 6d. lowest Price	-	15	12
Potatoes, 5 Acres, each 100 Bushels, @ 1s. - do.	-	25	0
Oats, 5 Acres, each 30 Bushels, @ 1s. - do.	-	7	10
	£173	2	6

5 Acres for Garden, Hay Field, &c.

I remain, &c.
(Signed) W. P. CHRISTIE.

(93.)

Montreal, 30th May 1837.

Sir, Montreal, 30th May 1837.

I beg leave to transmit for His Excellency's Consideration the annexed Statement of Disbursements which will be required for the Indian Farm School during the current Year, as nearly as I can ascertain the several Particulars, after careful Examination and Inquiries on the Spot. This includes a List of sundry Field Implements at the ordinary Prices. I have added a prospective Statement of Expenses for the Second and Third Years, when the Lease will terminate, and the Lot and Buildings revert to Government. The Two Statements will show the average Expenditure for the Three Years Lease, to be, per Annum, 312*l.* 6*s.* 4*d.*, but if the Fourth Year's Cost be taken into the Account, 214*l.* 5*s.* 6*d.* per Annum will be the Amount of that and succeeding Years; exhibiting in the whole a financial Saving, independent of the other Benefits arising from the Change of Plan.

The Delay in obtaining Possession and the Lateness of the Spring have both necessitated the sowing of other Seeds, and occasioned the Diminution of the Quantity of Land under Culture this Year; which last was also limited by the Impracticability of procuring before next Winter proper Materials for fencing in more Land. Twelve Acres can only be cultivated this Season, but more may be ploughed up during the Summer, preparatory to sowing in the ensuing Spring. The Land being intersected by a public Road will need Two extra Lines of Fence through the Breadth of the Lot, to front each Side of the Highway. The Reparations and Alterations required for the Buildings are few; the Cost is therefore small. In the Statements I have reduced the Board for the Boys to 1s. per Diem each, in consideration of the Advantages derived from a Cow, Fuel, &c.

I have, &c.
(Signed) W. P. CHRISTIE.

STATEMENT of Requisites for First Year, commencing 1st May 1837. (This Date is noted in accordance with the Lease.)

Six Months Salary to Teacher, from 1st November 1837 to 1st May 1838, he being paid to next November from another Source	-	-	-	£	s.	d.	50	0	0
Farm Manager (less a Year's Wages)	-	-	-	-	-	-	40	0	0
Twelve Boys for a Year's Board, at 1s. per Day each (Part of this Sum belongs to Chateauguay)	-	-	-	-	-	-	218	8	0
Clothing for Do. for a Year (Part of this belongs to Do.)	-	-	-	-	-	-	24	0	0
Fuel, Lights, &c.	-	-	-	-	-	-	15	0	0
							347	8	0
Deduct supposed Crop of Peas, Oats, and Potatoes	-	-	-	-	-	-	25	0	0
				£	s.	d.	322	8	0
Fencing Twelve Acres	-	-	-	-	-	-	9	0	0
Ploughing, trenching, planting, and sowing Manure and Seed for Do.	-	-	-	-	-	-	16	10	0
Field Implements :—1 Plough, 1 Harrow, 6 Spades, 2 Axes, 2 Hammers, Nails, 2 Saws, 1 Cart, 1 Train, Harness, 6 Hoes, 2 Rakes, 6 Sickles, 1 Stable-fork, 1 Iron Hay-fork, 6 Gimblets, 1 Wheelbarrow	-	-	-	-	-	-	21	2	6
Digging and preparing Garden	-	-	-	-	-	-	1	0	0
School-house Furniture, Repairs, and Alterations	-	-	-	-	-	-	19	0	0
Horse and Cow	-	-	-	-	-	-	15	0	0
Farm Rent	-	-	-	-	-	-	15	0	0
Notarial Agreement (2 Copies)	-	-	-	-	-	-	0	7	6
Proposed Hire of Barn and Root-house near at hand	-	-	-	-	-	-	5	0	0
Hay for Winter 1837-8	-	-	-	-	-	-	9	0	0
Sundries	-	-	-	-	-	-	5	0	0
							116	0	0
				£	s.	d.	438	8	0

Prospective Statement for Second Year, from 1st May 1838 to 1st May 1839.

	£	s.	d.
Teacher's Salary, One Year	-	100	0 0
Farm Manager's Do.	-	45	0 0
Twelve Boys Board, One Year, at 7s. each per Week	-	218	8 0
Twelve Do. Clothing, One Year	-	24	0 0
† A Year's Rent, 15l. and 5l.	-	20	0 0
* Fencing remaining Land	-	21	0 0
* Hay for Winter 1838-9	-	9	0 0
		437	8 0
Deduct supposed Produce of Land, according to Estimate	-	173	2 6
		264	5 6
Deduct marked *, 21l. and 9l.	-	30	0 0
		234	5 6
Deduct marked †	-	20	0 0
		214	5 6
Fourth Year, and afterwards	-	214	5 6

No. 11.
Earl of Gosford
to
Lord Glenelg,
13th July 1837.
Enclosure No. 22.

RECAPITULATION.

	£	s.	d.
First Year	-	438	8 0
Second Year	-	264	5 6
Third Year	-	234	5 6
Total in Three Years	-	936	19 0
Annual Average	-	312	6 4
Fourth and subsequent Years	-	214	5 6

No. 12.

(No. 97.)

COPY of a DESPATCH from the Earl of DURHAM to Lord GLENELG.

No. 12.
Earl of Durham
to
Lord Glenelg,
24th Oct. 1838.

My Lord,

Castle of St. Lewis, Quebec, 24th October 1838.

I HAVE the Honour to enclose your Lordship the Copy of a Memorial presented to me by the Catholic Bishops of this Province on the Subject of their Missions amongst the Indians.

I have, &c.
(Signed) DURHAM.

Enclosure in No. 12.

A son Excellence le Très-Honorable Jean George Comte de Durham,
&c. &c. &c.

Les soussignés, évêques Catholiques en cette Province, supplient votre Excellence de vouloir bien leur permettre d'exposer,—

Que les missions sauvages du Canada furent autrefois confiées au soin des révérends pères Jésuites, et que ce fut tant pour les besoins de ces missions que pour ceux de l'éducation Catholique en Canada, que les biens ci-devant possédés par ces religieux dans le pays leur furent donnés, ou qu'ils en firent eux-mêmes l'acquisition; ce qu'attestent clairement les titres maintenant en la possession des autorités civiles, et dont on trouve les extraits dans le rapport d'un Comité Spécial de la Chambre d'Assemblée sur l'Education (page 96 et suivantes), lequel rapport est daté du 25^e Février 1824.

Qu'à mesure que les révérends pères Jésuites cessèrent de desservir ces missions, ils furent successivement remplacés par des membres du clergé séculier du pays, lesquels, grace à la libéralité et à la bienveillance du Gouverne-

(93.)

ment

Enclosure.

No. 12.
Earl of Durham
to
Lord Glenelg,
24th Oct. 1838.

Enclosure.

ment de Sa Majesté, ont joui jusqu'à présent d'une rémunération à laquelle l'état d'indigence de toutes les tribus sauvages du pays, sans exception, ne leur permet aucunement de pourvoir par elles-mêmes.

Qu'au mois de Février 1837 son Excellence le Comte de Gosford, alors gouverneur de cette province, signifia aux évêques de Québec et de Montréal qu'en conséquence d'une résolution de la Chambre des Communes, dont l'objet était de réduire les dépenses du Département Sauvage en Canada, et des instructions spéciales qu'il venait de recevoir à cette occasion du ministre des colonies, le gouvernement local ne pourrait faire aucune appropriation des deniers de ce département pour rémunérer les prêtres, qui, par la suite, seraient nommés à ces missions pour remplacer ceux qui en étaient alors chargés.

Que depuis cette information officielle vos pétitionnaires voient avec inquiétude approcher le moment où il leur faudra pourvoir à la desserte de cinq missions sauvages, dont trois n'ont absolument rien à offrir pour la subsistance de leurs pasteurs, et les deux autres n'ont pu donner jusqu'à présent à leurs missionnaires qui ne sont chargés d'aucune autre desserte qu'un très-mince supplément, auquel leur pénurie ne permettra pas de rien ajouter à l'avenir.

Qu'avenant l'époque où le Gouvernement cessera de rémunérer ces missionnaires, il ne ferait qu'un acte de justice en affectant sur des fonds originairement destinés au soutien des missions, un revenu suffisant pour l'entretien honnête des prêtres qui seront alors chargés de les desservir, afin que les infortunés sauvages qui jusqu'à présent ont été l'objet de la bienveillance toute paternelle du Gouvernement, ne se trouvent point privés des secours de la religion par suite de l'impuissance où ils sont de se les procurer eux-mêmes.

Que, si à ces considérations il en fallait ajouter d'autres, vos pétitionnaires n'hésiteraient pas à dire, et avec l'assurance d'être compris, que, dans les malheureuses circonstances où se trouvent les Canadas, sous le rapport politique, il est essentiellement important que les sauvages qui y sont réunis en villages, n'aient aucune raison de soupçonner que le Gouvernement veuille diminuer à leur égard ses libéralités.

Après cet exposé, vos pétitionnaires osent se flatter que votre Excellence voudra bien prendre en sa sérieuse considération le sort à venir des villages sauvages du Canada sous le rapport religieux, et solliciter, auprès des autorités impériales, l'adoption de la mesure aussi prudente qu'équitable qu'ils prennent ici la liberté de suggérer.

C'est encore dans des vues de prudence et d'équité que vos pétitionnaires croient devoir représenter à votre Excellence que pour ce qui est de la totalité des biens du ci-devant ordre des Jésuites en Canada (la somme correspondante aux besoins des missions étant d'abord prélevés) le Gouvernement de Sa Majesté n'en pourrait faire un usage plus conforme à sa première destination et aux intentions bien exprimées des donateurs, qu'en l'appropriant soit au soutien des écoles catholiques du pays, soit à la dotation des collèges qui y ont été légalement établis depuis quelques années. Vos pétitionnaires ne craignent pas d'assurer votre Excellence qu'une mesure aussi parfaitement en harmonie que celle-là avec les vœux tant de fois manifestés de la grande majorité des habitants du pays, et qui d'ailleurs ne préjudicierait en rien à l'octroi d'autres fonds en faveur des sujets de Sa Majesté appartenant aux autres dénominations religieuses, contribuerait grandement à faire cesser les malheureuses dissensions qui agitent cette province depuis plusieurs années.

Et vos pétitionnaires croiraient encore manquer à ce qu'ils doivent à Sa Majesté et à leur patrie, s'ils ne profitaient de l'occasion présente pour faire part à votre Excellence des appréhensions qu'ont fait naître parmi les habitants Catholiques du pays, certains projets de lois qu'on prétend être actuellement médités et préparés par quelques agens du Gouvernement; lesquels projets tendraient à affecter les lois, les usages, la langue, et les autres droits, religieux et civils, qui sont garantis aux Canadiens par les traités, et par le statut du Parlement Britannique passé en la 14^e année du règne de George III., ch. 83; particulièrement un plan d'éducation pour la jeunesse de cette colonie. Or, par rapport à ce dernier article, vos pétitionnaires peuvent assurer votre Excellence que le sentiment unanime des catholiques de toute origine en ce pays serait que le Gouvernement doit se contenter de favoriser, par des moyens pécuniaires et en nombre suffisant, des écoles catholiques entièrement distinctes et séparées de celles des autres dénominations religieuses, sans préjudice des secours que la loi pourra procurer à celles-ci; que, quant aux susdites écoles catholiques,

catholiques, les maîtres, les livres, et les modes d'instruction soient sous le contrôle de leur église, conformément aux anciennes lois du pays qui n'ont pas été abrogées ; que dans ces écoles l'étude de la langue Anglaise soit encouragée, sans y négliger la langue natale de chacun ; et que les pères de familles puissent y jouir du droit imprescriptible que leur donne la nature, d'élever leurs enfans dans les principes et en la manière qu'ils jugent à propos, pourvu qu'ils ne blessent en rien les intérêts du Gouvernement. Et vos pétitionnaires osent répondre que, moyennant tel procédé de la part du Gouvernement, une éducation utile, libérale, et même brillante, fleurirait en peu de temps dans les écoles, académies, et collèges Canadiens, au grand contentement et à l'avantage de toute la population ; au lieu que tout arrangement contraire, sur un objet de cette importance, serait exposé à tomber complètement, et à mécontenter l'immense majorité des habitans du pays.

Enfin vos pétitionnaires conjurent votre Excellence de vouloir bien croire que dans leur présente démarche, ils ne se proposent d'autre but que de remplir une obligation de conscience, et de se mettre en voie de rappeler avec plus de succès aux sujets Catholiques de Sa Majesté leur devoir envers le Gouvernement de la métropole.

Et vos pétitionnaires, autant par inclination que par devoir, ne cesseront de prier, &c.

(Signé) ✠ Jos. Ev. Cath. de Québec.

(Signé) ✠ J. J. Evêque Cath. de Montréal.

(Signé) ✠ P. F. Ev. de Sidyme, Coadjuteur de Québec.

Québec, 20 Octobre 1838.

No. 12.
Earl of Durham
to
Lord Glenelg,
24th Oct. 1838.

Enclosure.

UPPER CANADA.

From LORD GLENELG.

No. 14.

(No. 44.)

No. 14.
Lord Glenelg
to
Sir F. B. Head,
31st March 1836.

COPY of a DESPATCH from LORD GLENELG to Sir F. B. HEAD, K.C.H.

Sir,

Downing Street, 31st March 1836.

I HAVE had the Honour to receive Sir J. Colborne's Despatch No. 8. of the 22d January last, in which he requests my Sanction for completing the Arrangements proposed by him for forming an Establishment on the Great Manitoulin Island of the Indians who dwell on the Northern Shores of Lake Huron.

Sir John Colborne has transmitted with his Despatch a Report from Captain Anderson on the State of the Indian Establishment under his Charge at Coldwater and in the Vicinity, from the Perusal of which I have derived much Satisfaction. I am under the Necessity, however, of suspending my Decision on the Question more immediately embraced in your Prodecessor's Despatch until I shall have had an Opportunity of considering the Report which you have been required to furnish, by my Instructions of the 14th January last, on the Subject generally of the Expenditure incurred by this Country on account of the Indian Department in Canada.

I have, &c.

(Signed) GLENELG.

No. 15.

(No. 102.)

No. 15.
Lord Glenelg
to
Sir F. B. Head,
5th Oct. 1836.

Copy of a DESPATCH from LORD GLENELG to Sir F. B. HEAD, K.C.H.

Sir,

Downing Street, 5th October 1836.

I HAVE received your Despatch of the 20th of August last, No. 70., reporting an Expedition you had made in Person to the Shores of the Lake Huron, and the Arrangements into which you had there entered with the various Tribes of Indians. Assured of the vigilant Humanity by which your Conduct towards this helpless Race of Men, the Survivors of the ancient Possessors and Lords of the Country, could not but be directed, and conscious of the incomparable Superiority of your Means of forming a correct Judgment how their Welfare could be most effectually consulted, I have thought myself not only at liberty, but obliged, in deference to your Opinions, to recommend for His Majesty's Sanction the Arrangements and Compacts into which you have entered; and, influenced by the same Considerations, the King has been graciously pleased to approve them.

His Majesty, however, directs me to commend these Tribes in the strongest possible Terms to your continued Care; and to signify his express Injunction that no Measure should be unattempted which may afford a reasonable Prospect of rescuing this Remnant of the Aboriginal Race from the calamitous Fate which has so often befallen uncivilized Men when brought into immediate Contact with the Natives of Europe or their Descendants. Whatever Intelligence or Suggestions it may be in your Power to convey respecting the Condition of these People, and the Prospects of their being reclaimed from Habits of savage Life, and being enabled to share in the Blessings of Christian Knowledge and social Improvement, will at all Times be received by His Majesty with the highest Interest.

I have, &c.

(Signed) GLENELG.

No. 16.

(No. 131.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, K. C. H.

Sir,

Downing Street, 20th January 1837.

I HAVE received, and have laid before the King, your Despatch of the 20th November last (No.95.), containing your Report on the Indian Tribes in Upper Canada, called for by my Despatch of the 14th January 1836. His Majesty commands me to express his Satisfaction at the interesting and perspicuous Account which you have furnished of these People. His Majesty regards with peculiar Approbation the humane Consideration for their National Habits and Feelings which appears to have directed your Negotiations with them, and which has given Birth to the Suggestions offered by you regarding the Measures to be pursued towards them in future.

I fear that it is impossible to question the Accuracy of the View which you have taken of the Consequences resulting to the Indians from Intercourse with White Men; nor can it be disputed that we are bound by the strongest Obligations to adopt the most effectual Means of repairing the Wrongs which we have inflicted on them, and of promoting their future Welfare. I should most reluctantly yield to the Conviction that in the Prosecution of this Object we must abandon the Hope of imparting to the Indians the Blessings of Christianity, on the Ground that those Blessings were necessarily more than counterbalanced by the Evils with which they have hitherto been unhappily associated. I should rather be disposed to attribute those Evils to the counteracting Tendency which, under unfavourable Circumstances, ordinary Intercourse with White Men has had on the Instruction and Example of Christian Teachers, than to any inherent Inaptitude in the Indians for the Reception of a Religion in itself peculiarly qualified to elevate the Character, and raise the Standard of Morality. One great Advantage which, among others, I should venture to anticipate from the Adoption of your Suggestion of interposing a considerable Space between the Country occupied by White Men and the Indian Settlements, is the Facility which such an Arrangement might offer to the Inculcation, by properly qualified Teachers, of the Doctrines and Precepts of Christianity, without Interference with the ordinary Habits of Life hitherto pursued by the Indians, and apart from the deteriorating Influence of a general Intercourse with another Race of Men.

In my Despatch of the 5th October last I conveyed to you His Majesty's Approbation of the Measures which you had taken for settling the Three Tribes of Indians therein referred to on the Great Manitoulin Island, and procuring the Cession to His Majesty of the large Territory hitherto held by them as Hunting Grounds. Convinced as I am of the benevolent Feelings which you entertain towards this Race, and of the Advantages which they may derive from the Adoption of your Scheme, I am now to express to you His Majesty's Approbation of the further Engagements which you have entered into with the Huron and Moravian Indians, and of the Arrangements which you have made for the future Distribution of Presents at the Manitoulin Island only, instead of the various Posts hitherto kept up for that Purpose.

Your Suggestion that the Expense of Indian Presents should hereafter be defrayed out of the Sale of the lately ceded Lands appears to be very judicious. In the Hands of the British Government, and subject to the existing Regulations as to the Disposal of public Lands in the Colonies, these Lands, hitherto of little if any Value to the Indians, may not only form an important Acquisition to the Province, but may at the same Time supply the Means of benefiting the original Occupiers of the Soil to a far greater Extent than has as yet been practicable. The Proceeds of the Sales of these Lands would under ordinary Circumstances be included in the Casual and Territorial Revenues, the Cession of which, in return for a Civil List, has been already offered to the Provincial Legislature; but under the peculiar Circumstances attending their Cession they must be held subject to the Charge of providing to the utmost practicable Extent for the Wants and the Improvement of the Indians; and in communicating to the Council and Assembly the Result of your recent Negotiations you will of course distinctly apprise those Bodies of the Object to which it is intended to apply the Sums derived from these Lands, or so much of them as may be

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required

No. 16.
Lord Glenelg
to
Sir F. B. Head,
20th Jan. 1837.

No. 16.
Lord Glenelg
to
Sir F. B. Head,
20th Jan. 1837.

required for this Purpose. Considering the great Benefit accruing to the Province from the Acquisition of these extensive and fertile Tracts, I cannot doubt that this Arrangement will meet with universal Acquiescence.

In regard to the Visiting Indians, I approve of your Proposition to make to them the formal Communication that the Presents will be discontinued to them after Three Years; but in regard to the Nature of those Presents during this Interval, I would observe, that although I should be extremely reluctant to make any Change which would be severely felt by these Persons, yet if it should appear that the Muskets and Ammunition supplied to them by His Majesty's Government are directly turned against the Inhabitants of the United States I should feel myself precluded from sanctioning the Issue of those Articles for the future. I am not however aware of any Representation having been made by the Government of the United States of Inconvenience or Injury having resulted from the present Practice, and I should not be disposed to direct any Change for so short a Period without clear Proof of its Necessity.

With respect to the Indian Department, I do not collect from your Despatch whether you have as yet formed any definite Opinion of the Practicability of transferring its Duties to the Commissariat Department. If such an Arrangement can be effected without Detriment to the Public Service it would of course be followed by the Abolition of the present Establishment. On this Point I shall be glad to receive your Opinion. In the meantime I am prepared to sanction the immediate Reductions which you have suggested; but in order to enable me to decide on the Amount of Pensions to be given to the Officers to be reduced, I must request you to furnish me with the Particulars adverted to in my former Despatch of the 14th January 1836, as to the Length and Nature of their Services. I am unwilling to sanction Remuneration for past Services by means of Grants of Land, a System which Experience has shown to be open to considerable Abuse. Whatever Remuneration therefore may be awarded to those Officers will be in Money, and not in Land.

I shall recommend to the favourable Notice of the Lords Commissioners of the Treasury your Representation in favour of Colonel Givens. That Officer's Age, and his long and able Services, entitle him to every Consideration on the Part of His Majesty's Government. If their Lordships should consent to his Retirement on full Salary, it will then remain to consider on what Terms his Successor should be appointed, if the Office is to be continued. In that Case I shall not fail to bear in mind the Recommendations in favour of Mr. Hepburn which have been made by yourself and your Predecessor. I must however reserve the Consideration of any such Appointment until I shall have received your Report on the Practicability of transferring the Duties of the Indian Department to the Commissariat.

I have, &c.
(Signed) GLENELG.

No. 17.
Lord Glenelg
to
Sir F. B. Head,
20th Feb. 1837.

Mr. Stephen, 24th Jan.
Mr. Spearman, 9th Feb.

No. 17.

(No. 145.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, Bart., K. C. H.

Sir,

Downing Street, 20th February 1837.

WITH reference to my Despatch of the 20th ultimo (No. 131.), I have the Honour to transmit herewith, for your Information, the Copies of a Correspondence which has passed between the Treasury and this Department on the Subject of your late Arrangements respecting the Indians in Upper Canada. By the last Paragraph of Mr. Spearman's Letter you will observe that the Lords Commissioners of the Treasury are anxious to receive more accurate Information than is supplied by the Records of this Office on several Points connected with the Indian Tribes. I have to request that you will furnish me with a Report on the Subjects alluded to by their Lordships at your early Convenience.

I have, &c.
(Signed) GLENELG.

First Enclosure in No. 17.

Enclosure, No. 1.

Sir,

Downing Street, 24th January 1837.

With reference to my Letters of the 12th and 13th instant, I am directed by Lord Glenelg to transmit to you herewith, for the Consideration of the Lords Commissioners of the Treasury, the Copy of a Despatch from Sir Francis Head relative to the Expenditure on account of Indians in Upper Canada. 20th Nov. 1836.

From Sir F. Head's Communication their Lordships will perceive, that although no extensive Saving in the Expenditure on this Account in Upper Canada can be immediately effected, yet a considerable Reduction of this Expense may be anticipated within a short Period, by the Discontinuance of the Presents to such of the Indians as shall be resident in the Territory of the United States; and that there is Reason to hope that this Country may ultimately be altogether relieved from this Charge by the Application of the Proceeds of recently acquired Indian Lands to defray the Claims of the Indians to whom the annual Presents are made. Lord Glenelg proposes to convey to Sir F. Head his Sanction of this Arrangement.

In regard to the Indian Department, the Lords Commissioners of the Treasury will perceive that the Information as yet received is incomplete; for, although Sir F. Head points out some minor Reductions that may be immediately effected in the existing Establishment, yet he has not stated his Opinion on the Practicability of transferring the Duties of the Department to the Commissariat Officers in Upper Canada. Lord Glenelg preposes to call Sir F. Head's Attention again to this Question, and in the meantime to sanction the immediate Reductions which he has recommended. His Lordship, however, does not consider it expedient that the Remuneration to which the Officers to be reduced may be entitled from past Services should be made to them by Grants of Land; a Practice of this Nature has been proved by Experience to be open to great Abuses, and is contrary to the existing Regulations for the Disposal of Public Lands in the Colonies. Lord Glenelg would therefore recommend that they should receive such retiring Allowances in Money as the Length and Nature of their Services may justly entitle them to on the Abolition of their Offices. In order to enable their Lordships to form a satisfactory Opinion on the Amount of such Allowances, Lord Glenelg proposes again to call for the Particulars required by his former Despatch on this Subject of the 14th January 1836.

With respect to the Retirement of Colonel Givens, I am to enclose, for the Information of the Lords Commissioners of the Treasury, the Copy of a former Despatch on that Subject from Sir F. Head; and I am to observe, that very ample Testimony has been borne to Colonel Givens's Merits by the successive Lieutenant Governors of Upper Canada. Under these Circumstances Lord Glenelg would recommend to the favourable Consideration of the Lords Commissioners of the Treasury his Claim to retire from his present Situation on his full Salary. Should their Lordships accede to this Recommendation it is not Lord Glenelg's Intention to take any Steps for the Appointment of a Successor to Colonel Givens until he shall have received a further Report on the Practicability of the Transfer to which I have before adverted. Should it, however, appear necessary to continue the present Indian Department on a reduced Establishment, his Lordship would propose to appoint to the Situation to be vacated by Colonel Givens, Mr. Hepburn (who during the last Year has been assisting Colonel Givens gratuitously), at a reduced Salary of 250*l.* Sterling a Year. 5th May 1836.

I have, &c.

A. Y. Spearman, Esq.

(Signed) JAS. STEPHEN.

Second Enclosure in No. 17.

Sir,

Treasury Chambers, 9th February 1837.

Enclosure No. 2.

I am commanded by the Lords Commissioners of His Majesty's Treasury to request that you will state to Lord Glenelg that their Lordships have had under their Consideration the Despatches from the Governors of the Canadian Provinces upon the Subject of the Indian Establishments forwarded in your Letters of the 12th and 24th ultimo, and under the Circumstances therein set forth are pleased to approve of the Arrangements reported by the Earl of Gosford

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No. 17.
 Lord Glenelg
 to
 Sir F. B. Head,
 20th Feb. 1837.
 ———
 Enclosure No. 2.
 ———

ford for completing the customary Presents to the Indians in Lower Canada for the past Year. Their Lordships also concur in the Sanction which the Secretary of State proposes to convey to Sir Francis Head for the Discontinuance, at the Period suggested in his Despatch, of the Issues of Presents to Indians resident in the Territory of the United States, and for the Appropriation of the Proceeds of the Lands recently ceded by the Indians to the Formation of a Fund to meet the future Claims of the Tribes to whom Presents are made at the Expense of the British Government. In order to effect which Object their Lordships would suggest that Care be taken to ascertain correctly the Extent and Boundaries of these Lands, and that the Produce of any Sales that may be effected of them is not merged in the general Territorial Revenue of the Province.

Their Lordships likewise concur in the proposed Directions to Sir Francis Head to report further as to the Practicability of transferring the Duties hitherto performed by the Indian Department to the Officers of the Commissariat, and in the Views entertained by the Secretary of State with respect to the Mode of providing for any retired Allowances to which the Services of the Parties holding those Situations in the Indian Department which are forthwith to be reduced may be found to entitle them. And their Lordships will be prepared to have the Claims of those Parties under their Consideration when the requisite Information shall be furnished by the Lieutenant Governor.

With respect, however, to Colonel Givens, the Chief Superintendent of the Indian Department, their Lordships, upon reference to his very advanced Age and long Period of Service in that Department, as well as to his previous Services, and to the very favourable Testimony borne to his Merits by Officers who have successively administered the Government of Upper Canada, are willing to accede to Lord Glenelg's Recommendation, that he should be permitted to retire with the Enjoyment of the full Salary of his present Situation, upon the Understanding that no new Appointment to the Office of Chief Superintendent is to be made until the further Reports respecting the Duties performed by the Superintendents, and the Practicability of delegating those Duties to the Officers of the Commissariat, shall have been received and considered by His Majesty's Government.

Their Lordships must observe to Lord Glenelg, that under the Circumstances reported in the Despatches now under Consideration they fear it will not be practicable to make any Reduction in the Amount of the Estimate for Expenditure for the Indian Department, and for Presents, about to be submitted to Parliament for the ensuing Year; and their Lordships have likewise to observe, that it would appear from Sir Francis Head's Despatch of the 20th of November, that that Officer does not anticipate any beneficial Results from the Measures that have been adopted for the stationary Location of the Indians, and for inducing them to apply to Agriculture; indeed some of the Proceedings now reported would seem to be at variance with those Measures.

Upon referring, however, to the Reports which have been made from Time to Time to His Majesty's Government respecting the Settlement of different Parties of the Indians, to the Opinion repeatedly expressed by the Officers who have preceded Sir Francis Head in the Government of Upper Canada, that the Indians would gradually adopt Agricultural Pursuits, and acquire Habits of settled Industry, as well as to the Expense which has been incurred in building Villages for several Locations, their Lordships must suggest that it would be desirable, with a view to enable His Majesty's Government to determine what ulterior Arrangements it may be expedient to adopt in this respect, that the Information hereafter specified with regard to the present Position of the Indians, both in the Lower and Upper Provinces, should be obtained, and that the requisite Returns for this Purpose should be called for, unless the required Information can be obtained from any Documents already in the Colonial Department; viz.

The Number of Tribes and of Indians resident within the British Territory;

The Pursuits of each Tribe, with the Number of fixed Locations occupied by the Indians;

The Situation of the Locations of the settled Parties, or of Hunting Grounds occupied by the other Indians;

The Extent of the Lands set apart at the different Locations for the Use of the Indians, or of the Hunting Ranges;

The

The Persons employed in the Superintendence of the settled Indians, or of the other Tribes, with their Designations and Salaries, and a Summary of the Duties they have to perform ;

The Number and Description of the Clergy or Teachers attached to each Tribe or Party ; and

Whether the Expenses of the Tribe or Party are defrayed from the Parliamentary Grant, or from the Land Payments out of the Territorial Revenue of the Crown.

J. Stephen, Esq.
&c. &c. &c.

I am, &c.
(Signed) A. Y. SPEARMAN.

No. 17.
Lord Glenelg
to
Sir F. B. Head,
20th Feb. 1837.

Enclosure No. 2.

No. 18.

(No. 156.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, K. C. H.

Sir,

Downing Street, 4th April 1837.

I HAVE the Honour to transmit to you herewith the Copies of a Correspondence between myself and Sir Augustus D'Este relative to the Claim of the Chippewa Indians to the Islands situated in the Waters between Lakes Erie and St. Clair. I have to request that you will institute an Inquiry into the Circumstances which have led to Sir A. D'Este's Application ; and that you will take such Steps as may appear to you necessary for ensuring to the Indians in question the full and undisturbed Enjoyment of all their just Rights and Privileges.

I have, &c.
(Signed) GLENELG.

No. 18.
Lord Glenelg
to
Sir F. B. Head,
4th April 1837.

Sir A. D'Est,
29th March.

Lord Glenelg,
4th April.

My Lord,

29th March 1837.

In consequence of a Letter which I have received from Esk-ton-a-quet, a Chieftain or principal Man of one Division of the Chippewa Indians, I am induced to apply to your Lordship, to pray that I may be furnished with a Writing from the Colonial Office declaring that the Isles situated in the Waters connecting the Lakes St. Clair and Erie (which Isles do belong, and ever have belonged, from Time immemorial, to that Portion of the Chippewa Tribe frequenting both Shores of the said connecting Waters,) *were not included in the Purchase by the British Crown bearing Date the 26th Day of April 1825*, and therefore do belong, as they ever have belonged, to that Portion of the Chippewa Tribe with whom the Purchase bearing Date 26th April 1825 was completed.

Being myself in possession of a Copy of the original Instrument of Sale mentioned before, I shall be happy to furnish a Copy of the same, should such be wished by your Lordship.

The Right Hon. Lord Glenelg,
&c. &c. &c.

I have, &c.
(Signed) AUGUSTUS D'ESTE.

Enclosures.

Sir,

Downing Street, 4th April 1837.

I have had the Honour to receive your Letter of the 29th ultimo on the Subject of the Claim of the Chippewa Indians to the Islands situated in the Waters between Lakes Erie and St. Clair, and requesting to be furnished with an official Declaration to the Effect that those Islands were not included in the Sale to the Crown dated in April 1825.

I beg to assure you that I should be most anxious to take every Measure for securing to the Indian Tribes the unmolested Enjoyment of their Territory and Privileges, but I fear that some Inconvenience might arise from the Course which you suggest. The Purchases of Indian Lands in the Country between Lakes Erie and Huron have been very numerous, but there are not in this Office Copies of the various Deeds of Transfer. Moreover, several of the Islands in Lake St. Clair, and between that and Lake Erie, are within the
(93.) Boundary

No. 18.
Lord Glenelg
to
Sir F. B. Head,
4th April 1837.
—
Enclosures.

Boundary of the United States. Under these Circumstances I could not issue such a Declaration as that to which you allude without great Risk, or even without infringing on the Rights of the United States. But I will immediately communicate on the Subject with Sir F. Head, and will direct him to take effectual Measures for securing to the Chippewa Indians in question the full and undisturbed Enjoyment of all their Rights. The Interest which Sir F. Head takes in the Welfare of the Indian Tribes of Upper Canada, and the Humanity which he has already displayed in his Negotiations with them, are sufficient Guarantees for their receiving every Protection at his Hand.

I have, &c.

To Sir A. D'Este.

(Signed) GLENELG.

No. 19.

(No. 228.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, Bart., K. C. H.

No. 19.
Lord Glenelg
to
Sir F. B. Head,
4th Sept. 1837.
—
* 22d August.

Sir,

Downing Street, 4th September 1837.

I TRANSMIT to you herewith the Copy of a Letter * addressed to me by Mr. Alder, the Secretary to the Wesleyan Missionary Society, soliciting the Grant to certain Indians by a formal Title Deed of the Land near Rice Lake on which they are located. I have to request that you will furnish me with a Report on the Facts of this Case, and that you will take such Measures as may be necessary for the Protection of the Indians in the Enjoyment of the Rights which you may find to be vested in them.

I have, &c.

To Sir F. B. Head, &c. &c.

(Signed) GLENELG.

Enclosure.

My Lord,

Wesleyan Mission House, 77, Hatton Garden,
22d August 1837.

In compliance with the Directions with which your Lordship honoured me, I beg leave to lay before you the Request of Shah Wundais, or the Rev. John Sunday, for a Grant or Title Deed to certain Lands occupied by his Tribe in the Province of Upper Canada, with the Reasons upon which it is founded.

About Ten Years ago a few of the Chippewa Tribe of Indians of which he is a Chief, not exceeding Twenty-five in Number, settled on Grape Island, a small Island in the Bay of Quinté, in order that they might be placed under a Course of Religious Instruction. Their Number continued gradually to increase until it amounted to 219, in consequence of which a larger Tract of Land became necessary for their Accommodation.

Application having been made by John Sunday to His Excellency Sir John Colborne for a suitable Locality, he assigned 3,400 Acres of Land, Part of the Concessions 1, 2, and 3 in the Township of Alnwick in the Neighbourhood of Rice Lake, for their Use and Benefit, and that of their Descendants. On this Land, called by them Alderville, the Grape Island Indians are now settled, and have made many Improvements. They have erected several Cottages, and have cut down the Timber from Forty Acres of Land, and have prepared it for Cultivation. They have also erected a Saw Mill on an adjoining Plot, which they have themselves purchased from a White Settler.

On account of the uncertain and precarious Tenure by which the Indians have hitherto held their Lands, and the Manner in which they have sometimes been deprived of their Possessions, Fears are entertained by John Sunday and his People that the before-mentioned Tract allotted to them by the Government may at some future Period be taken from them, and thus their Children be deprived of the Fruit of their Industry; which Fears tend to check a Desire for Improvement which the Gospel has produced in their Minds.

There is of course no Intention on the Part of Her Majesty's Government at home or in the Colonies to allow such an Act of Injustice to be committed; but, as Life is uncertain, and Words are easily forgotten, therefore, to prevent its very Possibility, and to remove the Fears and Apprehensions of the poor Indians, it is the earnest Desire and Prayer of John Sunday that your Lordship would direct the Lieutenant Governor of Upper Canada

Canada to cause without Delay a Grant of these Lands to be executed for them, under the Seal of the Province, upon such Terms and accompanied with such Provisions as shall confirm these Lands to them in perpetuity, and render them unattachable by Creditors, and inalienable either by the Tribe or by any Occupant, without the joint Concurrence of the Lieutenant Governor for the Time being, the principal Chief of the Settlement, and the resident Missionary or Missionaries.

Your Lordship will observe that I do not enter into any general Consideration of the Rights of the Aborigines.

The foregoing is all that John Sunday and his Companions on this Occasion claim to have confirmed to them as their Right. At the same Time they have to beg of your Lordship, as a Boon, and they trust not an unreasonable one, that you would be pleased to instruct the Governor of Upper Canada to grant and secure to them as above a sufficient Road from their Reservations down to the Shore of the Rice Lake, and a competent Space of Frontage to the Lake, for the Formation of Wharfs, Warehouses, and other Conveniences.

I have, &c.

The Right Hon. Lord Glenelg,
&c. &c. &c.

R. ALDER,
Sec. Wes. Miss. Soc.

No. 19.
Lord Glenelg
to
Sir F. B. Head,
4th Sept. 1837.

Enclosure.

No. 20.

(No. 229.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, Bart., K. C. H.

Sir,

Downing Street, 6th September 1837.

YOUR Despatch of the 5th February last, No. 9., respecting the new Method adopted by the Commissariat Officers in keeping the Accounts of the Indian Department in Upper Canada, was not received at this Office until the 17th June last. I now enclose for your Information the Copy of a Letter on the Subject, addressed by my Direction to the Lords Commissioners of the Treasury, together with the Answer received from their Lordships Secretary, from which you will perceive that the new Regulations are not intended to reduce below the accustomed Amount the Supplies issued by Great Britain to the Indian Tribes, but only to bring into a clearer Statement the Financial Affairs of the Indian Department, as distinguished from the other Services of which the Expense is defrayed by the Commissariat Establishment.

I have, &c.

(Signed) GLENELG.

No. 20.
Lord Glenelg
to
Sir F. B. Head,
6th Sept. 1837.

Mr. Stephen, 11 July.
Mr. Spearman, 30 Aug.

First Enclosure in No. 20.

Sir,

Downing Street, 11th July 1837.

I am directed by Lord Glenelg to transmit to you herewith, for the Consideration of the Lords Commissioners of the Treasury, the Copy of a Despatch from Sir F. Head, enclosing a Correspondence between Mr. Commissary General Routh and the Indian Department of Upper Canada, relative to the Manner in which the Financial Affairs of that Department are in future to be conducted.

Assuming the Correctness of the Statement contained in Sir F. Head's Despatch, it appears to Lord Glenelg that the Objections to the Plan proposed by Mr. Routh are insuperable.

His Lordship cannot conceive that the Indian Department can with any Justice be debited with a Charge of 11,758*l.* on account of old Stores, over the Accumulation, of which they have had no Control whatever. A large Portion of these Stores is from Changes in the System useless, much is probably injured by Time, and if a Deduction is to be made from the annual Parliamentary Vote to reimburse the Amount expended on this Account the Funds of the Indian Department would be crippled to such a Degree as to be inadequate to its Engagements. Lord Glenelg therefore requests to be informed whether the Arrangement notified to Sir F. Head by Mr. Routh has received the Sanction

(93.)

of

Enclosure No. 1.

5th Feb. No. 9.

No. 20.
Lord Glenelg
to
Sir F. B. Head,
6th Sept. 1837.

Enclosure No. 1.

of the Lords Commissioners of the Treasury, and if so he would wish to be made acquainted with the Grounds on which their Lordships have proceeded in this Matter.

A. Y. Spearman, Esq.

I have &c.
(Signed) JAMES STEPHEN.

Second Enclosure in No. 20.

Enclosure No. 2.

Sir,

Treasury Chambers, 30th August 1837.

In reply to your Letter of the 11th ultimo, transmitting the Copy of a Despatch from Sir F. B. Head, with a Correspondence between Commissary General Routh and the Indian Department of Upper Canada, relative to the Manner in which the Financial Affairs of that Department are in future to be conducted, and requesting to be informed whether the Arrangement notified by Mr. Routh to Sir F. Head has received the Sanction of the Lords Commissioners of Her Majesty's Treasury, and if so, expressing a Wish to be made acquainted with the Grounds upon which their Lordships have proceeded in the Matter in question, I am commanded by their Lordships to request you will observe to Lord Glenelg, that the Arrangement respecting the Mode of making out periodical Accounts of the Transactions relating to the Indian Expenditure, to which Sir F. Head's Despatch of the 6th of February refers, has been adopted in consequence of the Directions conveyed by their Lordships to the Officer in charge of the Commissariat in Canada, to frame the Accounts in such Manner as should show the real State of all Payments, Issues, and Receipts, whether of Cash or Stores, relating to that Branch of the Service, and with which view the Value of the cost Price of all Stores which had accumulated, whether serviceable for Distribution to the Indians, or unserviceable, and about to be sold off, has been necessarily inserted in the Account without any reference to the original Cause of Accumulation.

I am however to request you will observe to Lord Glenelg, that this Arrangement only regards the Accounts relating to the Indian Department, and will not in any respect affect the Amount to be annually applied, either in Money Payments or in the Value of Presents, to the Expenditure for the Indians, which will be regulated by the Amount of the Grant for which Application may have been made to Parliament.

Under these Circumstances their Lordships have not seen any Reason to revoke the Directions which have been conveyed to the Commissary at Canada, of the Purport of which Lord Glenelg was more specifically apprized by the Communication made to you by their Direction on the 10th of last April.

James Stephen, Esq.

I am, &c.
(Signed) A. Y. SPEARMAN.

No. 21.

(No. 258.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, Bart., K. C. H.

No. 21.
Lord Glenelg
to
Sir F. B. Head,
20th Dec. 1837.

Sir,

Downing Street, 20th Dec. 1837.

I HAVE had the Honour to receive your Despatches, Nos. 114. and 120., of the 18th October and 3d November last, on the Subject of the Mission to England of Mr. Peter Jones, a Wesleyan Missionary employed among the Indians in Upper Canada.

I have just received Intelligence of Mr. Jones's Arrival in England, but have not yet received him. I beg to assure you, that whenever I may enter into Communication with him I shall observe all the Caution which the Statements contained in your Despatches suggest and require.

I have, &c.
(Signed) GLENELG.

No. 22.

(No. 25.)

COPY of a DESPATCH from Lord GLENELG to Sir GEORGE ARTHUR, K.C.H.

Sir,

21st February 1838.

I HAVE to acknowledge the Receipt of Sir F. Head's Despatches enumerated in the Margin, relating to the Establishment of the Indian Department in Upper Canada, and the Retirement of Four of its Officers; and I have also received from Mr. T. B. Clench, One of those Officers, a Letter dated the 7th October last, correcting an Error which had been made in stating the Period of his Service.

Having brought these Documents under the Consideration of the Lords Commissioners of the Treasury, I have the Honour to acquaint you, that their Lordships have agreed that Mr. Hepburn should receive the Salary of 150*l.* per Annum, proposed in Sir J. Colborne's Despatch of 15th August 1835, as a Remuneration for his Services in the Indian Department. You will accordingly issue to Mr. Hepburn an Allowance at that Rate from the Period of his entering the Department in the Year 1835 to the Date of his Transfer to the Registrarship of the Court of Chancery.

I have further to acquaint you, that the Lords of the Treasury have approved the Reductions in the Indian Establishment suggested by Sir F. Head, and, in consideration of the Services of the several Officers whose Situations are thus abolished, have granted to them respectively the following Pensions and Gratuities; viz.:

To Mr. T. B. Clench, late Superintendent at Colborne, a retired Allowance of 100*l.* a Year, to commence from the Date at which his Office was abolished;

To Mr. George Ironsides, late Superintendent at Amherstburg, a Gratuity of 108*l.*;

To Mr. James Winniott, late Superintendent at Brentford, a Gratuity of 54*l.*; and

To Jacob Martin, late Interpreter at Brentford, a Gratuity of 20*l.*

The necessary Provision for these Allowances has been placed on the Indian Estimate for the coming Year.

With regard to the Continuance of the Office of Chief Superintendent, the Lords of the Treasury feel compelled to postpone a definitive Decision until they shall have had before them more complete Information than is contained in Sir F. B. Head's Despatch of the 18th July, as to the Numbers, Locations, and Employments of the Indians in Upper Canada.

You will therefore desire the acting Chief Superintendent, Mr. Jarvis, to prepare, with reference to the whole of the Indians under his Charge, and to the Establishment under his Supervision, a complete Report on the several Points specified in the Treasury Letter which accompanied my Despatch to Sir F. Head of the 20th February 1837. In the meantime, however, Mr. Jarvis will receive a Salary from the Date of his Appointment at the Rate of 350*l.* per Annum, although his Situation must be considered as entirely provisional, and as liable to Revision, without the Establishment on his Part of any Claim to Compensation.

The necessary Provision for this Office also has been made in the annual Estimate.

I have, &c.

(Signed) GLENELG.

No. 22.
Lord Glenelg
to
Sir G. Arthur,
21st Feb. 1838.

No. 75., 24 June 1837.
No. 88., 18 July 1837.
No. 96., 22 Aug. 1837.

No. 23.

(No. 46.)

COPY of a DESPATCH from Lord GLENELG to Sir GEORGE ARTHUR, K.C.H.

Sir,

Downing Street, 28th March 1838.

THE Indian Missionary, Mr. Peter Jones, and the Secretary to the Wesleyan Missionary Society, Mr. Alder, have lately been in communication with me
(93.) relative

No. 23.
Lord Glenelg
to
Sir G. Arthur,
28th March 1838.

No. 23.
 Lord Glenelg to
 Sir G. Arthur,
 28th March 1838.

relative to the Application preferred by the former on behalf of certain of the Indian Tribes in Upper Canada for Title Deeds of the Lands which they now hold under the Crown.

I enclose herewith for your Information Copies of the Letters which they have addressed to me.

I need scarcely state, that in considering these Letters I have not failed to advert to the Opinions expressed in Sir Francis Head's Despatches of the 18th October and 8th November last. I am of course sensible how much Weight is due to Sir F. Head's Opinion on such a Subject, and with my present Information I should much doubt the Expediency of adopting to the Letter the Proposition contained in the accompanying Letters; yet I must think that some Measure may be taken for removing the Uneasiness which is said to exist among the Indians in regard to their Land.

With this View I should propose that at the first General Meeting of the Indians an Assurance should be conveyed to them, in the most formal and solemn Manner, that Her Majesty's Government will protect their Interests and respect their Rights in regard to the Land on which they are settled. It might be explained to them, that for the sake of themselves and their Posterity it would not be advisable to deliver into their Hands the Title Deeds of their Property; but that those Title Deeds should be drawn up in Writing, and recorded in the Office of the Commissioners of Crown Lands, of the Fact of which Record any Person or Persons deputed on their Behalf may convince themselves by Inspection; that these Title Deeds so recorded should be considered by the Government as equally binding with any other similar Documents; and that if the Indians or any Individual among them should at any Time desire to sell or exchange their Land the Government would be ready to listen to their Applications, and to take such Measures as should be most consistent with their Welfare and Feelings.

It appears to me, that if a Measure of this Nature were adopted any reasonable Apprehension in the Minds of the Indians would be allayed, while the Danger of their becoming the Victims of Deception would be avoided. It would also tend to draw closer the Connexion which unites them with the Executive Government, and to cherish those Feelings of Affection with which they regard the Sovereign of the British Dominions.

I am aware, however, that there may be Impediments to such a Course which have not occurred to me, and I do not therefore desire you to consider the foregoing Instruction as imperative; but I should be anxious that, if not the precise Measure which I have suggested, some other of a similar Description should be forthwith adopted.

In furnishing me with a Report of the Steps which you may take in this Matter, I request that you will advert to the Statement in Mr. Jones's Letter respecting the Annuity granted to the River Credit Indians, in return for their Lands, and that you will supply me with an Explanation of the alleged Reduction of the Sum which had been agreed upon as a permanent Payment.

I have, &c.
 (Signed) GLENELG.

Enclosures in No. 23.

Enclosures.

My Lord,

Wesleyan Mission House, 77, Hatton Garden,
 London, 5th March 1838.

From the great Attention which your Lordship was pleased to pay to the Representations which I had the Honour to submit for your Lordship's Consideration, on behalf of a large Portion of the Christian Indians of Upper Canada, during the Interview with which your Lordship honoured me and our Indian Missionary, Peter Jones, on Saturday last, I am persuaded that it will not be deemed by your Lordship intrusive on my Part if I now state in Writing a Fact of great Importance connected with the Application made to your Lordship for a Title Deed securing to the Christian Indians the Possession in perpetuity of the Reservations on which they are settled; I refer, my Lord, to a Communication which was received a short Time ago by my highly esteemed Friend Lieutenant Colonel Sir Augustus D'Este, from *Ishtonaquette*, an Indian Chief

Chief who resides in the Neighbourhood of Lake St. Clair. It is perhaps not unknown to your Lordship, that the Indian in question, with some of his Friends, was decoyed to this Country a few Years ago, and that he and the Members of his Family that survived the inhuman Treatment which they experienced from the unprincipled Individual who brought them under false Pretences to England were restored to their Country and Tribe by the Aid of Government, and the kind Interference of Sir Augustus D'Este and Dr. Hodgkins. In his Letter to Sir Augustus D'Este, *Ishtonaquette* describes in a very impressive and affecting Manner the strong Desire that is felt by himself and his People for a Title Deed recognizing their Right to the Lands which yet remain to them, and securing to them and to their Posterity the peaceable Possession of this Remnant of their Inheritance. Now, my Lord, such an Application, coming from a Place so distant from the Residence of John Sunday and Peter Jones and their People, and without any Communication between *Ishtonaquette* and them, indisputably proves that there is a general Desire felt amongst Her Majesty's Indian Subjects in Upper Canada who have been at all instructed in a Knowledge of Christianity and Civilization, for the Settlement of this Question.

Permit me to add, my Lord, that whatever Treatment your Lordship may experience from Political Parties, at home or abroad, this I will venture to say, that, should your Lordship see fit to settle without Delay the Lands in question, and to provide a Central School at which Indian Children may be gratuitously boarded and educated for Four or Five Years, as stated in my Communication to your Lordship of December last, your Lordship will be regarded by the Indians of Upper Canada as the greatest Benefactor of their Race.

I am, &c.

R. ALDER,

Sec. Wes. Miss. Soc,

No. 23.
Lord Glenelg
to
Sir G. Arthur,
28th March 1838.

Enclosures.

Sir,

Downing Street, 2d April 1838.

With reference to your Letter of the 5th, and to the Communication from Mr. Peter Jones of 6th ult., I am directed by Lord Glenelg to transmit herewith, for your Information, a Copy of a Despatch which his Lordship has addressed to Sir G. Arthur, relative to the Application preferred by Mr. Jones, on behalf of certain of the Indians of Upper Canada, for Title Deeds for the Land on which they are settled; I am to request that you will communicate to Mr. Jones the Course which Lord Glenelg has adopted in this Matter.

28th March, No. 46.

I have &c.

Rev. R. Alder.

G. GREY.

My Lord,

Wesleyan Mission House, 77, Hatton Garden,
6th March 1838.

I beg leave to enclose to your Lordship the Power of Attorney given to me by the Tribe to which I belong. I also send a Copy of my Letter to Sir Francis B. Head, informing him of the Objects I wished to bring before Her Majesty's Government, and His Excellency's Acknowledgment of the Receipt of the same.

In compliance with your Lordship's Request, to state in Writing what I personally communicated to your Lordship at the Interview the Rev. R. Alder and myself had the Honour of having with your Lordship, I now have great Pleasure to lay before your Lordship the particular Subjects I am instructed by my Tribe to submit to your Lordship's Consideration.

1st. It is the Desire of my Tribe to obtain from Her most Gracious Majesty the Queen a written Assurance or Title Deed securing to them and their Posterity for ever the Lands on which they have commenced improving. So long as they hold no written Document from the British Government, to show that the Land is theirs, they fear that the White Man may at some future Day take their Lands away from them; and this Apprehension is constantly cherished by observing the Policy pursued by the United States Government towards the Indians in that Country, in forcing them to leave their Territories and the Bones of their Fathers; and I regret to say that this Fear acts as a powerful Drawback upon the Industry and Improvement of our Indian Tribes in Upper Canada.

(93.)

2d. The

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 Lord Glenelg
 to
 Sir G. Arthur,
 28th March 1838.
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2d. The River Credit Indians in the Year 1818 ceded to the Crown of Great Britain the greatest Portion of their Territory, for which the Government agreed to pay them the annual Sum of 522*l.* 10*s.* Halifax Currency, for ever. They received the full Amount the Two first Years after the Agreement was made, when it was reduced to the Sum of 472*l.* 10*s.* Currency, leaving the Balance of 50*l.* per Annum due to the Tribe from the Year 1820 to 1837: Total Amount in Seventeen Years 850*l.*, besides the Interest. These Reductions were made without the Knowledge and Consent of the Indians.

I am therefore authorized to apply to Her Majesty's Government for the Payment of the Arrears; and I hope, as a Matter of Justice to the said Indians, the British Government, who have always shown a kind and paternal Feeling towards them, will be induced to receive and sanction their Claims.

My Lord, I am the Bearer of a Petition from my People to Her Majesty the Queen, on the Subject of their Lands; and I shall await your Lordship's Instructions as to the Mode of laying the same at the Foot of the Throne.

I have, &c.

(Signed) PETER JONES.

Kahkewāquonāby.

The Right Hon. Lord Glenelg,
 &c. &c. &c.

Sir,

Toronto, 10th October 1837.

The Mississagua Tribe of Indians at the Credit are desirous of availing themselves of the Opportunity of my Journey to England to present their Petition to the Throne in respect to their Lands at the Credit.

They have furthermore constituted me their Agent, for the Prosecution of their Views; and I feel it my Duty, therefore, to enclose Copies of the Petition and Power which I carry with me to England, and which I beg you will have the goodness to lay before His Excellency.

I will at the same Time state, for the Information of His Excellency the Lieutenant Governor, that the chief Objects which the Tribe have in view are, first, to obtain an express Recognition of their Lands at the Credit, by a public Instrument assuring the same to them and their Posterity for ever, with Power to divide their Lands among themselves, the Tribe being at present under an Apprehension that without this Assurance their Lands may at some future Day be taken away from them; and this Apprehension operates as a powerful Check on their Industry, as well as the Improvement of their moral Condition.

My Object, as their Agent, in the next place, will be, to procure for the Tribe the Payment of the Arrears which they conceive are their just Due, and for the Payment of which their Applications to the Executive Government have been hitherto unsuccessful.

I have now to request you will do me the Honour to acknowledge the Receipt of this Communication, as also of the Papers accompanying the same.

I have, &c.

(Signed) PETER JONES.

To John Joseph, Esq. Sec.
 &c. &c. &c.

Sir,

Government House, 10th October 1837.

I have received, and laid before His Excellency the Lieutenant Governor, your Letter of this Day's Date, with the Copy of a Petition to Her Majesty, and of a Power of Attorney which accompanied it; and I am commanded by His Excellency to inform you that he will, with as little Delay as possible, communicate with Her Majesty's Principal Secretary of State on the Subject.

I have, &c.

(Signed) J. JOSEPH.

The Rev. Peter Jones,
 Toronto.

UPPER CANADA.

I, William Conway Keele, Notary Public, of lawful Authority duly admitted, and dwelling at the City of Toronto in the Home District in the Province of Upper Canada, do hereby certify that the Power of Attorney hereunto annexed was on the Day of the Date thereof duly executed by the several subscribing Parties thereto, in my Presence, at a General Council of the Mississagua Tribe assembled at their Council House at the Credit in the Home District and Province aforesaid, and that the same was previously read over to the subscribing Parties, and afterwards interpreted to them in their native Language, and that they all appeared perfectly to understand and approve of the Nature and Contents thereof.

In testimony whereof I have hereunto set my Hand and Seal of Office at Toronto aforesaid the 7th Day of October 1837.

WM. C. KEELE,
Notary Public, Upper Canada.

No. 23.
Lord Glenelg
to
Sir G. Arthur,
28th March 1838.
Enclosures.

Know all Men by these Presents, that We, the principal Sachems, Chiefs, and Warriors of the Mississagua Tribe of the Chippewa Nation of Indians, residing at the Credit in the Home District in the Province of Upper Canada, having full and entire Confidence in the Zeal and Interest hitherto manifested by our revered Chief and Brother the Reverend Peter Jones, Missionary, in the Welfare of our Tribe, have, as well on the Behalf of all our People of the aforesaid Tribe as also on our own Behalf, constituted and appointed, and by these Presents do, in General Council this Day assembled at our Council House at the Credit, constitute and appoint, the said Peter Jones our true and lawful Attorney and Agent for us and our People, and in our Names and on our Behalf, to confer with, negotiate, arrange, adjust, and settle with Her Majesty's Government, and whomsoever else it doth, shall, or may concern, all Manner of Contracts, Bargains, Settlements, Balances of Account, and all other Matters and Things touching or in anywise concerning our Lands, Affairs, and Business in the Province of Upper Canada, and touching and concerning all Matters and Things whatsoever which now are or shall hereafter be depending between our said Tribe and Her Majesty's Government, or in anywise relating thereto; and whatsoever our said Attorney and Agent shall do in the Premises we do hereby for ourselves and our said People promise and agree to allow, ratify, and confirm, hereby giving unto the said Peter Jones full Authority to act in the Premises.

In witness whereof we have hereunto set our Hands and Seals in Council at our Council House at the Credit, the 4th Day of October in the Year of our Lord One thousand eight hundred and thirty-seven, and in the First Year of Her Majesty's Reign.

NAWAHJEGEZHEGWABY. <i>Joseph Sawyer.</i>	SASWAYAHSEGA. <i>Thomas Magee.</i>
MANOONODING. <i>James Chechok.</i>	MAHYAHWEGEZHEGWABY. <i>John Kezhegoo.</i>
PIPOONNAHBA. <i>James Young.</i>	KANAHWAHBAHMIND. <i>William John.</i>
KEZHEGOWININE. <i>David Sawyer.</i>	OOMINWAHJEWUN. <i>William Herchmer.</i>
TYENTENNEGEN. <i>John Jones.</i>	PAMEJEWAWNWABY. <i>John Peter.</i>
NAWAHJEGEZHEGWABY. <i>John Campbell.</i>	CHEWUNOOKA. <i>John M'Collum.</i>
PAMEZAHWAYAHSING. <i>Isaac Henry.</i>	NANINGAHSEGA. <i>William Jackson.</i>
MASQUAHZEGWUNA. <i>Moses Pahdequong.</i>	PAHOOMBABWINDUNG. <i>Thomas Smith.</i>
LAWRENCE HERCHMER. <i>Negahnub.</i>	AHZHAHWAHNAHQUAHDWABY. <i>Peter Olds.</i>

No. 24.

No. 24.
Lord Glenelg
to
Sir G. Arthur,
2d April 1838.

(No. 50.)

COPY of a DESPATCH from Lord GLENELG to Sir G. ARTHUR, K.C.H.

Sir,

Downing Street, 2d April 1838.

I HAVE to request that you will report to me, for the Information of the Lords Commissioners of the Treasury, what Arrangements have been made for the Investment or other distinct Reservation of the Sums arising from the Sale of the Lands obtained from the Indians, which, according to the Arrangement proposed by Sir F. Head, and sanctioned in my Despatch of 20th January 1837, are to be applied in diminution of the Vote annually obtained from Parliament on account of Presents to the Indians in Upper Canada.

I have, &c.

(Signed) GLENELG.

No. 25.

No. 25.
Lord Glenelg
to
Sir G. Arthur,
22d August 1838.

(No. 130.)

COPY of a DESPATCH from Lord GLENELG to Sir G. ARTHUR, K.C.H.

Sir,

Downing Street, 22d August 1838.

IN my Despatch of the 28th March, No. 46., I explained to you my Views in respect to the Application made by Messrs. Alder and Jones, on behalf of certain of the Indians of Upper Canada, for Title Deeds of the Land which they hold under the Crown. I propose now to convey to you my Sentiments on the more important Question of the general Treatment of those Tribes.

In order to avoid the Confusion arising from a separate Correspondence on detached and insulated Portions of one general Subject, I have postponed this Communication, first, until I had received the Suggestions of the Wesleyan Society in this Country; secondly, until I had considered and decided on the Propositions which Mr. Peter Jones had announced himself as authorized to make; and, thirdly, until the State of Affairs in the Province and on the Frontier should leave the local Government more free to apply itself to Subjects which, though of the highest Importance, could scarcely be attended to in the Midst of public Alarm and Commotion.

I transmit to you the Documents noted in the Margin.

The Report of the Committee of the Executive Council of Lower Canada so completely accords with my Sentiments, both as to the Principles which it lays down and as to the detailed Suggestions which it recommends, that I might well abstain from addressing to you any Instruction except that of acting on that Report, in so far as the Difference of Circumstances in Upper and Lower Canada may permit.

It is to be regretted that there exists no Report or Account of the actual State of all the Indians in Upper Canada on the Plan of this Report of the Committee of the Executive Council of the Lower Province. Of the Condition of some of them accurate Statements are given by the Missionaries most conversant with them; but the Desideratum is a clear and comprehensive Representation of the Position, Numbers, Habits, Circumstances, and Degrees of moral and social Advancement of each Tribe. I must request you to take Means to supply this Defect.

In the meantime there is sufficient Information before us to enable us to adopt some specific Measures on this interesting Subject.

You will perceive from the Public Records of Upper Canada, that during the last Two Years I have been in frequent Communication with Sir F. Head as to the best Means of promoting the permanent Well-being of the Indian Tribes. In a Despatch dated 14th January 1836 I entered into this Question at some Length, and invited from Sir F. Head any Remarks or Suggestions which he might have in his Power to submit to me. His Answer to that Despatch is to be found in his Communications of the Dates and Numbers mentioned in the Margin.

The

Report of a Committee of the Executive Council of Lower Canada, vide Enclosure in Lord Gosford's Despatch, No. 71. of July 1837, Page 27.
Letter from the Rev. Mr. Alder, 14th Dec. 1837, No. 1, Page 90.
Correspondence with the Aborigines Protection Society.
Memorial, 1837, No. 2, Page 98.
Letter to Dr. Hodgkins, 28th April 1837, No. 3, Page 100.
Memorial, 1837, No. 4, Page 101.
Letter from the Rev. P. Latrobe, 29th Sept. 1837, No. 5, Page 102.

No. 36. 4th Apr. 1837.
— 88. 18th July —
— 96. 22d Aug. —
— 114. 18th Oct. —
— 120. 3d Nov. —

The practical Result at which Sir F. Head arrived was the general Removal of the Indian Tribes to the Great Manitoulin Island, and the Cession to the Crown of the Lands which they had previously held in different Parts of the Province.

The Arguments by which Sir F. Head advocated this Arrangement seem to me of great Weight; but subsequently to the Receipt of his Despatch several Representations of the Injustice done to the Indians by that Arrangement have been addressed to me by some of those in this Country who take a great Interest in the Indian Tribes. To those Representations, which are appended to this Despatch, I beg to call your special Attention. It is alleged, for example, that a Portion of the Indians who were induced to remove to the Manitoulin Islands were at the Time of their Removal located on Land which they had themselves brought into Cultivation. It is also stated in Mr. Latrobe's Letter, that the Indians settled in New Fairfield were persuaded to give up a Part of their Land without any Reference to the Missionaries, who up to that Time had acted as their Trustees. In this latter Case you will observe that the Members of the Moravian Mission, although complaining, and not without some Appearance of Justice, of this Proceeding, do not ask the Restoration of the Land actually ceded, but merely request that a more secure Title should be granted for the remaining Portion, and that it should hereafter be inalienable, except with the Consent of the Moravian Missionaries. This Application appears to me liberal and just, and preferred in a Spirit of great Moderation.

I must own, however, that I am not quite satisfied of the Propriety of withholding from the Mission even that Portion of the Land which has been thus surrendered; provided we are yet at liberty, in reference to the Manner in which that Portion has been disposed of, to restore it to the Indians. Whether this be now possible, without Injury and Injustice to other Parties, and perhaps to the Indians themselves, it will be for you to judge, and you will report to me your Opinion. But at all events, in regard to the Lands still occupied by the Indians, the Course pointed out in my Despatch of the 28th of March should be pursued; and, except on the express Authority of Her Majesty's Government, no future Negotiations should be set on foot respecting this Land, otherwise than through the Moravian Mission.

In the View which Sir F. Head adopted of the future Prospects of the Indian Race he differed no less from the Opinion of his Predecessors in the Government of Upper Canada than from those which I had been led to form. Instead of encouraging the Hope of a progressive Improvement among these People, the Tendency of his Argument was to show that any Attempt to civilize them would not only be unsuccessful but even injurious, and that their total Extinction at no very distant Period was inevitable. He described the gradual Corruption of the Indian Character, the Decay of their physical Strength, and the consequent Mortality among them, as the necessary Consequences of their abandoning the Habits of savage Life; and One Ground on which he urged their Removal to the Manitoulin Island was, that it would allow them an open Field for their hereditary Pursuits, uncontrolled and uninterrupted by the Vicinity of the Whites.

I confess that I received this Communication with much Regret. The humane Interest evinced by Sir F. Head in the Welfare of these People, and the personal Knowledge which he had obtained of their Habits, gave considerable Weight to his Arguments. But I was most unwilling to assume that in the Indians of Upper Canada, there is any peculiar Inaptitude to profit by the Doctrines of Christianity, or to adopt the Habits of civilized Life; and I am happy that in this View I am confirmed, not only by a Re-consideration of the Documents previously in my Possession, but by a careful Examination of those which have since reached me, both from Upper and Lower Canada, and from Individuals in this Country. Among the principal of these I allude to the Report of the Committee of Executive Council of Lower Canada, and the Letter of Mr. Alder.

In one of Sir F. Head's Positions, however, I am disposed entirely to concur; I mean the Necessity of separating the Indian Locations as much as possible from the White Settlers. On this Point the Opinion of Sir F. Head is supported by the Authority of the Report of the Lower Canada Committee. In every Scheme, therefore, for the Improvement of the Indians, the first Object to be aimed at is their Location in compact Settlements, apart, if possible, from

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the Population of European Descent. Where Settlements have already been made, and Land brought into Cultivation, Her Majesty's Government would be most unwilling to interfere; but where any Tribes or Individuals still support themselves by hunting, or are in possession of Lands which they desire to exchange, it would be right that every fair Inducement should be offered to them to settle on the Principle here suggested.

With respect to the Arrangement as to the Manitoulin Islands, I require further Information. I know not to what Extent it has been carried into effect; but the Representations regarding it are of so grave a Nature, and come from such respectable Quarters, that they cannot be disregarded. These Representations, you will observe, are to the Effect, that in that Arrangement the Interests of the Indians have been deeply compromised; that the settled Indians have been involved in the Transfer without their Consent,—their Habits of Industry disturbed,—their Advancement in Civilization and Christianity checked,—their Confidence in Government shaken,—their Feelings irritated and alarmed; that the unsettled Indians have acceded in Ignorance and Thoughtlessness; that the Manitoulin Islands are in every respect and altogether unfit for the Residence of the Indians; and that the Result must be disastrous to the whole Race. I think it necessary that these Complaints should be submitted to Investigation by some Person selected by you for that Purpose; and that in the meantime the Progress of the Arrangement, if it be indeed in progress, should be suspended. Major Bonnycastle of the Royal Engineers, who is now in Upper Canada, has occurred to me as well qualified for this Duty; and I have Reason to believe that his Appointment would be satisfactory to all Parties. The Choice however is left to your Judgment, and the Investigation should be made immediately, if the State of Public Affairs in the Province permit. You will instruct the Officer appointed to enter fully into the whole Subject, in reference as well to the Topics which I have mentioned as to any others which may occur to you or to himself in the Course of Inquiry. In transmitting his Report to me you will accompany it with the Opinion and Recommendations of yourself and your Council.

The first Step to the real Improvement of the Indians is to gain them over from a wandering to a settled Life; and for this Purpose it is essential that they should have a Sense of Permanency in the Locations assigned to them; that they should be attached to the Soil, by being taught to regard it as reserved for them and their Children by the strongest Securities. Their Locations therefore should be granted to them and their Posterity for ever by a Grant under the Great Seal of the Province, on such Terms and accompanied by such Provisions as shall render them unattachable by Creditors, and inalienable either by the Tribe or any Occupant, without the joint Concurrence of the Lieutenant Governor for the Time being, the principal Chief of the Settlement, and the resident Missionary or Missionaries.

This Instruction is, with some Addition, the same as that conveyed in my Despatch of 28th March.

In this Connexion I recommend to your Consideration the Fourth of the Suggestions offered by Mr. Alder as to the Means of encouraging and promoting among the Indians the Pursuits of Agriculture. By a seasonable and judicious Intervention it seems not unlikely that the Government may materially aid that Object.

Second, The next important Object to be attained is the Establishment among them of Schools, with competent Teachers; Schools affording elementary Instruction, not only in the common Branches of Education, but in the Rudiments of Agriculture and of Mechanics, and superintended by Masters of competent Knowledge, and of strictly moral and religious Character. The requisite Authority for applying towards Purposes of this Nature a Portion of the Parliamentary Vote, on account of the Indian Department, was conveyed to your Predecessor in my Despatch of 14th January 1836. I have little Doubt that among the Missionaries, who have so zealously devoted themselves to the Conversion of the Indians, Teachers for such Schools may be found.

It has indeed been asserted, that even were such Schools established there would be an Indisposition among the older Indians either to attend them in Person or to allow their Children to do so. I do not attach much Weight to this Objection; but if it should prove well founded, I have no Doubt, that by a judicious

judicious Use of your Influence and of that of the Missionaries, it might be overcome.

3. In order to stimulate the Exertions of those who attend the Schools, it would probably be advantageous that periodical Examinations should take place, accompanied by public Trials of Skill in Agriculture. On such Occasions Prizes should be distributed to those who have shown peculiar Diligence or Ability, or who have distinguished themselves by Regularity and good Conduct. The Consideration which would attach to those who obtained such Prizes would be an Incentive to some who might otherwise neglect the Schools.

4. The gradual Conversion of the usual Presents into Agricultural Implements, and the Introduction, if possible, of a Change in the Dress of the Indians, would probably conduce to wean them from their former Habits. In promoting such a Change, however, great Care would be required not to offend the national Habits and Prejudices of these People, or to deprive them too suddenly of any Articles which by Custom might have acquired a fictitious Value in their Eyes. Still more carefully is it to be provided that in effecting Changes of any Kind no Room shall be given for any just Imputation on the good Faith of this Country.

5. The Penalties denounced by Law against Persons selling Spirits to the Indians should be strictly enforced.

6. The Instructions which you have previously received, and which are reiterated in this Despatch, in regard to the Title Deeds of Indian Lands, should be made known to the Indians as extensively as possible.

7. The Co-operation of the Officers of the Indian Department should be cheerfully afforded to the Missionaries employed in the various Settlements in any Arrangements calculated to promote the common Interests.

Such are the general Principles by which I think that the Executive Government should be guided in its Treatment of the Indian Tribes.

I do not attempt to give you any detailed Instructions on the Subject, since I am aware that for the Preparation of such Instructions an Acquaintance with many local Circumstances, and with the moral and physical Peculiarities of the Indian Race, would be indispensable. But I commit to your Hands the Task of carrying out the Intentions of Her Majesty's Government in this Matter, convinced that you share our Anxiety to protect and cherish this helpless Race, to raise them in the Scale of Humanity, and to extend and consolidate the Advantages which they possess as the Dependants of the British Crown.

In pursuance of this Object Sir F. Head and Sir J. Colborne took occasion to make themselves personally acquainted with the Indians, not only by admitting to their Presence such as from Time to Time repaired to Toronto, but by visiting their Locations and attending their principal Meetings.

The Advantages of such a Course are evident, and I have no Doubt that you will think it right to follow the Example of your Predecessors. But as I observe that hitherto no periodical Reports have been made to Her Majesty's Government of the State and Progress of the Indians, I have to request that you will give the necessary Directions for the Preparation in future of such Reports, showing the annual Births, Marriages, and Deaths among them; the Proportion entirely or partially located; the Number of Acres in Cultivation, and the Amount of Subsistence derived therefrom; the Number of Schools established and of Scholars attending them, distinguishing the Adults from the Children, with a general Statement of their Progress in the several Branches of Education; the Degree to which Agricultural Implements have been substituted for Presents, and the distinctive Indian Dress laid aside; the Number of Prizes awarded for Proficiency, whether in Agriculture, in the usual Branches of Education, or for good Conduct. On these and all other Points connected with the Indian Tribes, I wish to be furnished with a Report at least once a Year; and I should receive with Pleasure any Suggestions which you might be able to offer for the Advancement of the Object which I have in view,—the Promotion of the Happiness and Well-being of this Portion of Her Majesty's Subjects.

As it is important that on this Subject a Uniformity of Action should as much as possible be observed in Upper and Lower Canada, and as I have fully explained my Views respecting it to the Earl of Durham, you will have the goodness to communicate with his Lordship before finally adopting any

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practical Measures or offering for the Guidance of Her Majesty's Government any Suggestions for the future Government of the Indian Tribes in Upper Canada.

I have, &c.

GLENELG.

No. 1.

Enclosures.
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My Lord,

Wesleyan Mission House, London, 14th December 1837.

In a Communication with which I have been favoured by Mr. Under Secretary Stephen, dated Downing Street, 28th August 1837, relating to the Communications which I have had the Honour to make to your Lordship personally on the State of some of the Christian Indian Settlements in Upper Canada, it is stated to be the Wish of your Lordship, that I should express in Writing what is the precise Course of Proceeding which in behalf of those Settlements I think it desirable that Her Majesty's Government should pursue.

As I am fully persuaded that the future Destiny of the Remnant of the Indian Race which is now scattered over that Province depends, under the overruling Providence of Almighty God, on those Measures which may now be adopted by Her Majesty's Government for their Improvement, I feel the great Responsibility involved in furnishing a Reply to a Request of so much Importance; and I can assure your Lordship that it is only after much Deliberation on the Subject that I now venture, with unaffected Diffidence, but with unfeigned Sincerity, to submit my Views upon it for your Lordship's Consideration.

Before I proceed to detail the Opinions which I entertain on the Matter under Consideration, it is due to your Lordship, as well as to myself, that I should state some of the Grounds on which my Claim to the Attention of your Lordship is founded.

From the Year 1816 to the Year 1827 I was employed as a Missionary in various Parts of British America, and during that Period obtained some Knowledge of the State and Character of the Indians in Nova Scotia and New Brunswick as well as in the Canadas.

In the Year 1832 Proposals were made to the Committee of the Wesleyan Missionary Society, by the distinguished Nobleman then at the Head of the Colonial Department of His late Majesty's Government, for extending the Operations of that Society in Upper Canada, with a view to promote the religious and moral Improvement of the Indians and of the Occupants of the new Settlements in that Province; in consequence of which I proceeded thither to make Arrangements on the Part of the Society for carrying the benevolent Intentions of the Government into effect.

In the Year 1834 I again visited Canada, with the same Object in view. On one of those Occasions I spent several Months in the Colony, and on the other many Weeks. In the Prosecution of my Mission I visited different Parts of the Country, saw many of the Christian Indians and their Children, and entered not a few of their Dwellings. I had the Honour to hold several Conversations on the State and Prospects of the Indian Tribes, and on the best Methods for improving their Condition, with His Excellency Sir John Colborne, who at that Time administered, with distinguished Zeal and Ability, the Government of that Province, and whose unwearied Efforts to diffuse the Knowledge and Influence of Christianity among the Indians, as the most efficient Means of promoting their personal and social Well-being, justly entitled him to be regarded by them as the Friend and Benefactor of their Race. I also conversed on the same Subject with Men who had closely studied the Indian Character, Men whose Days and Nights had been spent in endeavouring to do them good, and who, in the Midst of much to discourage them in their arduous Toil, were so satisfied as to the practicable Character of the Work in which they were engaged, and with the Measure of Success which they had witnessed, as to be led to devote themselves entirely to that self-denying Service.

I may further state, that during the last Four Years my official Connexion with the Wesleyan Missionary Society, as one of its General Secretaries, has brought under my Notice various Communications from the Agents who are employed under its Direction among the Indians in Canada, which Documents contain

contain the Testimony of Witnesses whose experimental Knowledge on such a Subject is incomparably of greater Value than the most plausible Theories that the Ingenuity of Man ever invented, and whose Disinterestedness is demonstrated by the Character of their Work and the Pittance that they receive for their Support.

In addressing your Lordship I am relieved from the Necessity of discussing the Question as to whether the Indians are, or are not, susceptible of Improvement. Happily for them, as well as for the Interests of Humanity, the vast Colonial Possessions of Great Britain are placed under the Direction of a Nobleman who does not impute the deteriorating Influence of human Vices to the providential Arrangements of the beneficent Ruler of the Universe, or judge that because the Operation of those Vices has been so fatal to the aboriginal Inhabitants of the uncivilized Countries which European Cupidity has seized and appropriated to its own Use, that it must in the very Nature of Things be so, and that therefore it will be in vain to seek for a Remedy. I need not attempt to prove to your Lordship that the swarthy Indians of the American Woods, as well as the fair and polished Inhabitants of Europe, are "*His Offspring* who hath made of *One Blood* all Nations of Men for to dwell on all the Face of the Earth," and that the common Salvation is designed for the common Benefit of our common Race.

Nor is there any thing connected with the present State of the American Indians irreconcilable with these Sentiments. That a Process of Destruction has been going on amongst them coeval with the Discovery of the New World, and that they are "minished and brought low," are Facts which, however much they may be lamented, cannot be denied. But this melancholy State of Things admits of an easy Explanation: it is to be ascribed to the same Source from whence come "Wars and Fightings amongst Men, even from their Lusts which war in their Members," and by which they are led to contravene the gracious Designs and Purposes of Almighty God. Here we discover the fatal Cause of that Fraud, Injustice, and Oppression of which the Aborigines of America have been the Victims. White Men have availed themselves of the Influence which their superior Intelligence and Position have given them over their Red Brethren to fleece them of their Property, and, in imitation of the great Author of Evil, they have employed the vilest Methods to develope and strengthen the latent Evils in the Hearts of these untutored Children of Nature. Thus, while they presented to such Passions as the Indian had long indulged new Objects and Incentives, they roused those that had before slumbered in his Bosom to a State of fearful Activity in order that they might profit by the Degradation of their Victims. No Wonder, my Lord, that under such a System they have been growing worse from Age to Age; Vice produces Misery in the New World, as well as in the Old, and in proportion as we extend the Dominion of the one, whether in savage or in civilized Life, we enlarge the Sphere of the other.

Waving for the present any further Observation on these Topics, and assuming that the Condition of the Indians in Upper Canada may be improved, the simple Question to be considered is, how shall this most desirable End be accomplished? What Measures should be adopted to elevate their Character, and to diffuse amongst them Principles of enlightened Piety and sound Morality, in connexion with Habits of settled Order and persevering Industry? Viewing them as now divided into Two Classes, I would respectfully recommend a Course of proceeding to be pursued, under the Direction of Her Majesty's Government, adapted to the peculiar Circumstances of each.

The first Class includes that Portion of the Indians who, in consequence of having embraced Christianity, have left the Forests where they once roamed, and are settled in Villages in which they are provided with the Means of Religious Instruction, and whose altered Condition affords satisfactory Evidence to dispassionate and careful Observers of the benignant Spirit and transforming Energy of the Gospel.

The second Class comprises all those who have not yet been brought under the Influence of Christianity, or, at least, so brought under its Influence as in consequence to have renounced their evil Practices, especially the Vice of Intemperance, and to depend mainly for their Subsistence on the Cultivation of the Earth.

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With regard to the first Class, my Observations will have a special, if not an exclusive Reference to that Portion of it which is placed under the Direction and Control of the Wesleyan Missionary Society, because I am best acquainted with the State and Wishes of that Section of the evangelized Indians. At the same Time, I may remark, that unless I am greatly mistaken, the Recommendations which I have the Honour to offer for your Lordship's Consideration will be found applicable to the whole Class, and, if acted upon, would greatly contribute to accomplish the benevolent Object which other Missionary Societies in common with our own have in view in sending the Gospel amongst the Indians.

It was in the Year 1824 that the Attention of the Methodists of Upper Canada was particularly directed to the wretched Condition of the wandering Indians around them. Fully persuaded that the Religion of Jesus Christ is adapted to the State of Man in all Conditions of Life, that by its Instrumentality even their Pagan Neighbours might be reclaimed from their degrading Vices, they announced to them its impressive Simplicities, and the Success which crowned their early Efforts not only equalled but surpassed their Expectations. Missions were speedily established amongst the Chippewas, the Mohawks, and others, which Missions have been prosecuted with more or less Encouragement ever since. At the present Period there are upwards of One thousand Indians connected with the Wesleyan Methodists who reside in Villages at Alderville, near Rice Lake, at St. Clair by the Outlet of Lake Huron, at Saugeeng on the South-east Shore of the same Lake, at Muncey Town on the River Thames, also on the North Side of Lake Huron, and on the North-west Side of Lake Simcoe. When the Difference between the present and the former State of these Persons is taken into consideration, it is not too much to affirm, that they have derived incalculable Advantages from the Introduction and Spread of the Gospel among them. I am the more anxious to impress this Fact upon your Lordship's Mind, because I am well aware that it has been attempted to show that the Endeavour which has been made to evangelize the Indians has been something worse than a Failure; and if such were the Case, it would be useless for me to submit any Plan to your Lordship having for its Object the Extension of a System declared to be not merely inefficient, but pernicious. When, however, I assure your Lordship, and offer to prove my Allegations, that the Errors of a Pagan Creed have been eradicated from the Minds of these Indians, that their Sufferings have been diminished, that their vicious Propensities have been abated, and that their Habits have been changed, then I am certain that as a Christian Statesman your Lordship will lend your powerful Aid to multiply such Results. Amongst the Indians of whom I am writing, the superstitious and baneful Rites practised by the *Pow Wows* or Necromancers, who, by their enchanting Apparatus and poisonous Arts, wield such a destructive Influence over their unenlightened Countrymen, have been utterly abolished. The cruel Practice of abandoning the sick and aged when no longer able to travel, and leaving them to suffer and to die unaided and unprotected, has given place to a better State of Things. The Charity of the Gospel is manifested in the Tenderness and Assiduity with which our Indian Converts attend their sick and dying Relatives, and the Influence of its immortal Hope is felt by them in all its consoling Power when they gather around their dying Beds, or follow their mortal Remains to the Tomb. "When my Brother was dying," observed one of them, "he said to me, 'Do not weep! I know where I am going; I am going to Jesus.' And," the Narrator added, "when my Brother was dead, I kissed my poor Brother, and my Eye began to tear (weep); I took my Testament, and I opened on a good Passage, 'Let not your Heart be troubled; ye believe in God, believe also in me. In my Father's House are many Mansions; if it were not so I would have told you. I go to prepare a Place for you.'" The Use of intoxicating Liquors is now discontinued by the Christian Indians, and those Persons who were the Slaves to Intemperance are Patterns of Sobriety. Account for this as Men may, it is a Fact which cannot successfully be denied; and all who are acquainted with the Power this evil Habit once exercised over them, and of the Misery which it produced, must admit, that to this Extent at least, to say nothing of higher Considerations, a great Service had been rendered to the Interests of Humanity. A State of incipient Civilization has been introduced; that which had been viewed as a human Impossibility, the Work of making a wandering Indian an industrious Man, has been accomplished by the

the "good Word of God." The Christian Indian is learning to appreciate the Advantages connected with a fixed Habitation ; he has a *Home*, and a domestic Altar, on which "Prayer is daily set forth as Incense" ; he has a Sanctuary, in which he worships "the God and Father of our Lord Jesus Christ," and a School for the Instruction of his Children ; he has a Home, where he finds useful Employment in the Culture of the Ground, and in the Practice of some of the mechanical Arts. It is true, my Lord, these Indians are in general but very imperfect Farmers and Artizans ; yet there are some of them who have made great Proficiency, and enough has been done to show that if auxiliary Aid of a proper Kind be afforded them to a sufficient Extent, they will rapidly improve in every useful Occupation. When I reflect on the Difficulties which they have had to encounter, the Obstacles which have been placed in the Path of their Improvement, the Power of Habit, the defective Implements with which they have had to work, and, above all, the State of Uncertainty in which they have been kept respecting their Right to the continued Occupancy of the Lands on which they have settled, my Wonder is that so much has been accomplished, especially when I consider, what ought not to be lost sight of, that all the Attempts which had been made to bring them, by other Methods, to the Point of Improvement which they have now happily reached, have so entirely failed.

One of the Missionaries writes :—

" Credit, Upper Canada, 26th September 1837

" To the full Capability of most of the Credit (Chippewa) Indians, and of the Wyandot Indians, living on the Reservation of the Township of Maldon, W.D., U.C., (among the former of whom I am now residing, and being formerly connected with the latter for the Space of Two Years,) I most cordially bear my Testimony. Many of them are Men of good Understanding, well versed in the Affairs of Life ; can read, write, and keep Accounts ; have a good Knowledge of the Art of Agriculture, and some other Arts ; and, notwithstanding all their Disadvantages, several of them raise considerable Grain, &c. ; others, besides supplying their own Wants, have Grain to dispose of. I have no Doubt but that similar Testimony may be borne of other Indian Tribes by those best acquainted with them. I firmly believe, could only some such Method be adopted, they would soon become opulent and substantial Citizens.

" BENJAMIN SLIGHT, Indian Missionary."

And yet, my Lord, in opposition to all these Facts, Christianity is to be dishonoured, and the Indian Race insulted, as well as defrauded of their just Rights, because White Men have neglected their Duty, and are still unwilling to perform it. We have taken possession of a great Part of their Inheritance ; we are prepared to pounce upon the Remainder ; the lawful Owners are to be thrust into a Corner to perish. An impassible Gulf is to be placed between them and all Means of Improvement, because they are incapable of learning aught but the Vices of Civilization, as if God, who *made* the Red Man as well as the White, cannot *save* the one as well as the other. Oh, my Lord, I rejoice that your Character for Religion and Humanity is a sufficient Guarantee that you repudiate such Sentiments, and affords a Pledge that the Indian will find in your Lordship an enlightened Friend and Patron.

Under the Influence of this Persuasion, I proceed to recommend to your Lordship that the following Measures be adopted for the further Improvement of the Christian Indian Settlements which have been formed in Upper Canada :—

First.—Her Majesty's Government should secure to the Occupants of those Settlements, and their Posterity for ever, by a Grant under the Great Seal of the Province, the Reservations on which they are settled, on such Terms, and accompanied by such Provisions, as shall render them unattachable by Creditors, and inalienable, either by the Tribe or any Occupant, without the joint Concurrence of the Lieutenant Governor for the Time being, the principal Chief of the Settlement, and the resident Missionary or Missionaries. Unless this Recommendation be adopted, the most painful Consequences may be apprehended ; for the Indians believe, that until the British Government grants such a Title Deed the Lands on which they have commenced making

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Improvements may be taken from them at any Time that the Person or Persons administering the Government of the Province may think proper to remove them to any other Locality. This Belief has been greatly strengthened by the continued Policy which has been pursued by the neighbouring Republic toward the Indian Tribes within its Limits, and, I regret to add, by some of the recent Acts of British Functionaries in Upper Canada. It is my painful Duty to state, that such a Belief has operated, and is operating, as a powerful Check to the further Improvement of the People; in proof of which I beg leave to lay before your Lordship the Two following Extracts; the first copied from the annual Address of the Ministers of the Wesleyan Methodist Connexion in Upper Canada, in Conference assembled, to the British Conference; and the second taken from the annual Report sent by the General Superintendent of our Indian Missions in that Country to the Committee of the Wesleyan Missionary Society in London, dated August 2d, 1837.

“Several of our Missions have sustained very serious Injury on account of the unsettled State of the Indians, arising from a Policy which proposes to remove them from the Lands in which they have made considerable Improvements, and where the Missionary Society has incurred heavy Expenses to establish and carry on its Operations. In the whole History of our Canadian Missions there never was a Period in which the Indian Community has been placed in Circumstances so trying and so afflictive as those in which it has been involved during the past Year. At all Times have they been exposed to the selfish and wicked Designs of a Number of unprincipled skulking Traders, who have habitually used all the Means in their Power to deceive, pollute, and rob them; but in the Midst of all the Annoyances to which they have been subject from this Quarter, our Indian Brethren have been sustained and encouraged in their gradual Advances in the Path of Improvement by an unshaken Confidence in the disinterested and friendly Regards of those whose Power to protect them is only equalled by their Obligation to afford them that Protection. And it is with the deepest Grief that we now discern that that Confidence is in a great Measure weakened, and that the Uncertainty of their future Prospects, rendered dark and gloomy by Circumstances as strange as they were unexpected, has produced on the Minds of many an unsettled, dissatisfied, and reckless Spirit, which greatly militates against their civil, moral, and religious Improvement. We hesitate not to say, that had not our Indian Societies during the last Twelve Months been regularly watched by those devoted Men under whose ministerial Care they have been placed, the beautiful Vineyards, which have been cultivated and nourished with so much Solicitude and at so much Expense, would now present to the Eye of the Christian Philanthropist nothing but a Scene of Barrenness and Desolation.” “The unsettled State of their temporal Affairs has produced a most discouraging and ungenerous Influence upon their Minds. The Intimation which they have received, that they hold their Settlements by an uncertain and precarious Tenure, has greatly tended to paralyze all their Energies and to keep back their Improvement.”

To say nothing of other Claims which the Indians have to a Title Deed recognizing and establishing their Right to the Lands which they now occupy, I may venture to remind your Lordship that as many of the Soldiers, who have served in the British Army during the late and former War between this Country and the United States had Grants of Land secured to them and their Posterity as a Recompense for their Services, it is not unreasonable for our Indian Brethren who joined the English Troops, and fought and bled by their Side, to ask and to expect that they may be secured in the undisturbed Possession of those small Tracts of Land reserved by Treaty for their Use at the Time that they surrendered their immense Territories to the Crown of Great Britain.

Secondly.—In my humble Opinion it would contribute greatly to improve the temporal Condition of the Christian Indians, and to promote amongst them that Feeling of Self-respect which operates so powerfully on the Formation of Character, if, as soon as they were sufficiently instructed in Christianity and Civilization, the Rights and Privileges usually enjoyed by Her Majesty's Subjects in the Colony were conferred upon such of them as possess sufficient Property, and could furnish Testimonials of their Ability to read and write, and of the Propriety of their moral Conduct, from the Missionaries of the Settlements

ments to which they belong, such as the Right to vote at Town Meetings, to hold Municipal Offices, to serve as Jurors, &c., and, if they were deemed eligible, to hold such Offices of Honour and Trust as they might be judged morally and intellectually qualified to fulfil with Advantage to the Community. By placing these Motives to honourable Exertion before them, we should make it manifest that we indeed regard them "as Men and as Brethren," and a Spirit of energetic Enterprise would be cherished among them, which would be productive of the most beneficial Consequences. If a Slave make his Escape from the United States, and by his Industry secure for himself a Settlement in Canada, he is entitled, I believe, to all the Privileges of a British Subject; why should not the freeborn Aborigines of the Country be placed in the same Position? They are subject to British Law; they have fought in Defence of British Interests; and if it were necessary, which, thank God, it is not, they would do so again; and I know of no sufficient Reason why any of the Privileges enjoyed by other Classes of Her Majesty's Subjects in the Province should be withheld from them.

Thirdly.—In addition to the Schools which are at present formed in the different Settlements of Christian Indians for the Education of the rising Generation Means should be furnished for the Establishment and Support of Two or more central Schools, in which the most promising Youths should be placed, and gratuitously boarded, educated, and clothed for Five or Six Years at least. By such an Arrangement the Children would be removed from their imperfectly civilized Parents, and placed under the exclusive Direction of their religious and secular Instructors. In addition to the ordinary Branches of Learning cultivated at School, the Boys would be instructed in a Knowledge of useful mechanical Arts; and, what is greatly to be desired, as being of immense Importance in its Influence on the future Improvement of the Indians, the Female Portion of the Children would be well instructed, not merely in Reading and Writing, but in the Performance of domestic Duties.

Fourthly.—Every Encouragement should be afforded to the Christian Indians in their laudable Endeavours to improve and cultivate the Soil, and to support themselves and their Families by their agricultural Labours. Even in this Country, where Agriculture has attained to such a high State of Perfection, Prizes are frequently offered to encourage our Farmers to aim at still greater Excellence in the various Branches of Husbandry, and the same Plan has been adopted with much Success in some of the North American Colonies. If such a Method of Improvement be deemed necessary amongst a People in a high State of Civilization, how needful something of the Kind must be for a People just emerging from a State of Barbarism I need not point out to your Lordship. It is, therefore, as I think, most desirable that a practical Farmer of sober and industrious Habits, and under the Influence of sound religious Principles, should be stationed at each of the Christian Villages, to initiate the Indians into a Knowledge of the best Methods of clearing the Land, ploughing, sowing, reaping, and of pursuing other Branches of Field Labour; suitable Implements should be furnished for their Use; Rewards should be conferred on such as excel in any particular Branch, as well as on those who clear and cultivate the largest Portion of Land within a certain given Time, or who raise the greatest Quantities of Wheat, Indian Corn, and other Grain, or of Potatoes, Turnips, and other Vegetables. Such a Stimulus as the above System would supply would act powerfully on the Indian Mind, and would most effectually enforce the Exhortations addressed to them by the Missionary to labour diligently with their own Hands. It may indeed be objected that Money would be necessary to carry such a Plan into effect, and that there are no Funds at present available for such a Purpose; but, in reply to such an Objection, I venture to suggest to your Lordship that the Sum required would not be large, and that, as a very considerable Portion of the Casual and Territorial Revenue of the Province is derived from the Sale of those very Lands which originally belonged to the Indians, in strict Justice a Part of it—and a very small Part would answer the Purpose—should be expended for their Benefit, especially as so large a Proportion of it is to be used for Purposes connected with the internal Improvement of the Province. While, therefore, ample Means will be supplied from this Source for providing Roads, Bridges, and Schools for the Advantage of the Colonists, a few Crumbs may be spared from the White Man's Table for the Use of his Red Brethren. If, however, your Lordship's powerful Recommendation

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mendation should prove ineffectual with the Provincial Legislature, if its Members should be found so regardless of the Claims of Justice and of Humanity as to reject such an Application, then I respectfully submit that the Sum necessary might be charged to the Indian Department; for surely the People of England, who so generously granted Twenty Millions Sterling for the Purpose of providing the Boon of Freedom for the Slave Population of our Colonies, would not refuse, if the Matter were explained to them, to grant a few Hundreds per Annum for a few Years to promote the Civilization of their Indian Fellow Subjects in Canada. But should they do so, then, rather than such a Design should fail for Want of Funds, it would be better to appropriate a Part of the Sum now expended in supplying the annual Presents to the Indian Tribes for the Purpose of carrying it into effect. Still, however, my Lord, as the national Honour is pledged for the regular Supply of these Presents, I would rather recommend that an additional Item be added, for the present, to the Indian Department, and the more so, *inasmuch as when the Indians are enabled to provide for themselves from the Produce of their Farms the annual Presents will no longer be necessary.* Until then, however, they should be continued, and so supplied as that the Recipients may derive from them the greatest possible Advantage, which would be best done by paying the Amount in Money, and not in such Articles as are now too frequently given to them.

Fifthly.—As the greatest Obstacle to the Improvement of the Indians is what they not inaptly denominate “Fire-waters,” or distilled intoxicating Liquors, every Means should be employed to place them beyond their Reach. I have already stated to your Lordship that our Christian Indian Communities have renounced the Use of ardent Spirits; but, by the vile Arts of Traders, Individuals who before their Conversion to the Christian Faith were confirmed Drunkards, and also young and inexperienced Persons belonging to those Communities, are sometimes seduced and intoxicated. The evil Agents to whom I refer not unfrequently press the unsuspecting Indian to drink Cyder which they had previously mixed with Whiskey for the Accomplishment of their infamous Object; and in One Instance, in which a poor Indian had been thus overcome, his Anguish afterwards was so great that he went and put an End to his own Life. To prevent, as far as possible, the Recurrence of such Evils, the Lieutenant Governor of the Province should be instructed to issue an Order to all Magistrates and others concerned throughout the Country, directing and commanding them to enforce the Provincial Statute, which renders it penal for any Trader or other Person to sell intoxicating Liquors to any Indian, Man or Woman.

Sixthly.—As the Missionaries at the different Indian Stations need all the moral and other Influence that can be legitimately afforded them, the Indian Agents, in the Performance of their official Duties generally, should be required to co-operate with the Missionaries in their Efforts to promote the Welfare of the People, and, during their Visits to the Villages, to encourage the Indians, by Word and Deed, to attend to the Duties of Religion and Morality; nor should any Man who is not disposed to do so be allowed to remain in that Situation, as the Example of an Agent must, in the very Nature of Things, tell powerfully for Good or for Evil on the Sentiments and Practice of the Indians.

As it respects the Second Class of Indians to which I propose to direct the Attention of your Lordship, that is, those of them who are scattered over the Wilderness, ignorant of Christianity and the Arts and Customs of civilized Life, I know of no other Method by which they may be reclaimed, or their Condition be effectually improved, than by the Influence of Christianity, which, as I have shown to your Lordship, has already greatly ameliorated and improved the Condition of Hundreds of their Brethren. The Gospel is the Parent of true Civilization amongst the Indians, as well as amongst every other Class of Human Beings; and if the Remnant of the Indian Race which still exists in a savage State in the Western Forests of Canada are to be civilized and changed into useful Members of Society, faithful Christian Teachers must be sent amongst them with the Gospel in their Hands, and labour to bring them under its salutary Influence. Its Mode of Operation will be found to be equally simple and efficacious. It will produce “Repentance towards God and Faith in our Lord Jesus Christ,” and these will be accompanied with a

Desire

Desire for further Instruction. They will then look for a fixed Residence, where they can be taught more perfectly, and where their Children may attend a School and learn to read the "good Book," and, to use their own Expression, "to put their Thoughts on Paper." A Chapel and School-house will soon be built, around which they will erect Dwellings. Agriculture and the Mechanical Arts will follow in the Train of Christianity, and in Process of Time Industry will place them in Circumstances of comparative Comfort and Abundance.

It would greatly contribute to a Knowledge of the Benefits which the Gospel is calculated to impart, and might operate as an Inducement for them to attend to the Lessons of its Teachers, if when the annual Presents are distributed a Locality were selected to which the Pagan and Christian Indians could conveniently repair, and where they might mingle for a few Days together, during which Time the Christian Portion of them might explain to the other the happy Change which has taken place in their temporal Condition, and the great Advantages which their Children derive from the Schools established amongst them.

It is difficult to ascertain the actual Number of the uninstructed Indian Population of Upper Canada, but when it is considered that over an extensive Tract of Country to the North and West of the Lake Huron there are at least between 30,000 and 40,000 who speak the Chippewa Language, there can be no Doubt but that it must be very considerable. How necessary then it is that prompt and effectual Measures should be adopted for their Improvement, and, to use their own Expression, that "we should make haste to save them." Many are now willing to give up their Children that they may be instructed, and if central Schools, such as I have recommended to your Lordship, were established, the Offspring of these wild Indians would derive great Advantage from such Institutions, and the Progress of Indian Civilization would be effectually promoted.

It would be of incalculable Benefit to both Classes of the Indians if a properly qualified Person were appointed by the Government to act as their Protector; one whose Business it should be to stand between them and the Colonists, to present their Requests to the proper Authorities, to watch over their Interests, to maintain their Rights, to seek Redress for them when they have been injured, and to give them suitable Advice and Counsel on all Occasions with regard to the Management of their temporal Affairs.

I have thus laid before your Lordship those Measures for the Benefit of the Indians which I believe, if adopted, would be of great Service to that People. I might, in conclusion, adduce many Reasons to show why Her Majesty's Government should interpose in their Behalf; as, for example, the Fidelity with which they have fulfilled their Engagements as our Allies in War and in Peace, the Neglect with which they have been treated, the friendly Disposition which they have invariably manifested towards the Colonists, and especially the Wrongs and Injuries that they have so long endured at our Hands.

It is no Part of my Design in this Communication to review the History of British Colonization in North America, or to describe its Influence on the Condition of the aboriginal Inhabitants, for it is too well known, even to such Individuals as have paid far less Attention to the Subject than your Lordship has done, that in every Portion of the Globe into which the System has been introduced it has deprived the Aborigines of their Right of Property in the Soil, has multiplied their Vices, spread amongst them new Forms of Disease, and has thus been the Means of aggravating their Sufferings and of diminishing their Numbers. While so many Regions of the Earth have felt and still feel the destructive Influence of this ungodly System, it might be shown that no Portion of the Human Family has suffered so much from its Operation as the Red Men of the West have been doomed to endure. The Loss of the Lands, of which they are the natural Proprietors, is one of the least of the Evils which they have suffered from the Progress of an unhallowed Civilization; other Calamities, worse than those of temporal Slavery, have followed in its Train, and have withered and wasted and broken down a People capable of the highest Attainments in sacred and secular Knowledge, as well as in every thing which confers real Dignity on the Character of Man. The Remnant of that noble Race which still survives presents a melancholy Spectacle to the Contemplation of the Christian and the Philanthropist. Their Dwellings are

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desolate ; their Lands Strangers occupy in their Presence ; they are regarded as Aliens and Outcasts in those Regions over which their Fathers bore undisputed Sway, and are not unfrequently taunted on account of their degraded State by those very Persons who have contributed to impoverish and demoralize them. They may be compared to one of the Trees of their native Forests which has been scathed by the Tempest that has passed over it, and stripped of its Foliage and Branches ; but, my Lord, as there is Hope of a Tree “ though the Root thereof wax old in the Earth, and the Stock thereof die in the Ground, that through the Scent of Water it will bud and bring forth Boughs like a Plant,” so, by the Blessing of God on the Use of proper Means, may the Condition of the Indians be greatly improved, and a State of Civilization, based on the Principles of our holy Religion, be made to spring up amongst them. The Anticipations which I thus venture to express to your Lordship are not the Offspring of mere Speculation on the Subject ; no, my Lord ; the Experiment has been tried, from the Result of that Experiment I am emboldened to submit for your Lordship’s Consideration the Views which I entertain on the best Methods of improving the Condition of the Indians of Upper Canada.

I have, &c.

(Signed) R. ALDER,

Secretary to the Wesleyan Missionary Society.

The Right Hon. Lord Glenelg,
 &c. &c. &c.

No. 2.

To Lord Glenelg, Secretary of State for the Colonial Department.

See No. 1.
 Page 99.

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The Attention of the undersigned Memorialists has been arrested by a Circumstance stated in the late Address of the Governor of the Province of Upper Canada, Sir Francis B. Head. They have learnt with Regret from that Address as well as from other Sources that the Territories of the original Possessors of the Soil have been still further reduced by the Concession which they have been persuaded to make of a very large and important Tract of valuable Land. The Tract of Land so ceded is not solely inhabited by wandering and uncivilized Indians, but it comprehends within its Limits a thriving and highly interesting Wesleyan Missionary Settlement, in which Two hundred Indians have embraced Christianity, and applied themselves with Success to the Arts of civilized Life ; Sixty of their Children are receiving regular Instruction in the Missionary School, and it is stated that the Effect of their Example has been such as to induce many neighbouring Indians to join them. Your Memorialists are far from wishing to impeach the Character of Sir Francis B. Head, whose Conduct on other Occasions has evinced a Desire to promote the Welfare of his Fellow Creatures. They do not accuse him of adding to the British Dominions by an Act of violent Spoliation of the Kind by which many of our Colonies have been founded and extended ; they are willing to believe that his Object has been to benefit the Poor of England, by obtaining for them a Tract of fertile Land to which they may be induced to emigrate with Advantage. Much as your Memorialists desire to see the Aborigines of North America advanced in Civilization, and secured against the Loss of their remaining Territory either by Violence or Persuasion, the Object of their Petition is not that the Treaty made by Sir Francis B. Head should be annulled ; but they are emboldened to intercede with the Secretary of the Colonial Department, who has already so much distinguished himself by the Protection which he has afforded to the Aborigines of Southern Africa, that he will take the Case of the Christian Indians in the before-mentioned Settlement under his serious Attention, and afford them his fatherly Protection. It appears to your Memorialists that those Indians who have cleared the Land, ploughed and sowed Fields, and reared Houses, Barns, and Places of Worship, upon it have rendered themselves Possessors of the Soil by a stronger Title than that by which their wandering Brethren have held other Portions of the District as a common Hunting Ground ; and your Memorialists implore that these Indians may not be considered as bound by the Treaty and compelled to remove, but that they may be allowed, and even encouraged, to retain a Portion of Land adequate to the Necessities of the Settlement, with Privileges and Advantages equivalent to those offered to pauper Emigrants from this Country, who have yet to make the

the Land their own by Labour bestowed upon it. It is notorious that it has been extremely difficult to introduce Civilization amongst the North American Indians; again and again, after unwearied Exertion has caused it to take Root amongst them, it has been suppressed by Removals to make Way for White Settlers. Your Memorialists are induced to hope that the Measure which they implore, and which Justice and Humanity unequivocally demand, will not only rescue the Settlement alluded to from the Fate of its Predecessors, and allow Civilization to advance there, but that the Protection shown to it will produce a salutary Effect on other Indian Tribes, by exhibiting the Advantages of Civilization, and by teaching them that it is the only effectual Means by which they can secure the undisturbed Possession of their Soil.

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Lieut. Colonel Sir AUGUSTUS D'ESTE.

THOMAS HODGKIN, M. D.

BENJ. REED.

JOHN ELIOT HOWARD.

GEO. STACEY.

GEORGE ALLEN.

ROBERT HOWARD.

JOHN HODGKIN, jun.

EDWARD C. MAY.

T. WOODFORD.

JOSIAH FORSTER.

SAM. GURNEY.

JOHN T. BARRY.

R. BARCLAY.

STAFFORD ALLEN.

JOHN HODGKIN.

JOSEPH TRAVERS.

DANIEL O'CONNELL, M. P.

DAN. BELL STANBURY.

J. PEASE, jun.

WILLIAM JANSON.

JOHN T. SHEWELL.

PHILIP DEBELL TUCKETT.

CHARLES F. STARBUCK.

EDWARD J. STARBUCK.

WILLIAM MANLEY.

SAMUEL THEOBALD.

LUKE BUB BECK.

JOHN SANDERSON.

WM. S. FRY.

JOHN ALLCARD.

THO. FOWLER.

EB. SMITH.

JAS. OLDHAM.

JOS. JNO. FREEMAN.

DAVID JONES.

J. T. CONQUEST, M.D.

JOHN ROSKELL.

J. R. ELINOCE, M.D.

R. PHILLIPS.

W. SHERWOOD.

JOHN HOOPER.

JOS. SCHOLEFIELD, M. P.

C. J. HECTOR, M.P.

WM. WILLIAMS, M. P.

GEORGE BENNET.

ROBERT FORSTER.

HENRY DUNN.

JOHN RANDALPH.

JOHN WILLIAMS.

ANDREW REED.

JOHN FAULGER.

W. H. MEDHURST.

ROB. HALLEY.

H. TOWNLEY.

GEORGE CHRISTIE.

WM. STERN PALMER.

W. ELLIS.

JOHN ARUNDEL.

SAMUEL BLACKBURN.

HENRY TUCKETT.

SAMUEL ASHWELL, M.D.

J. CRESSWELL.

BRACY CLARK.

J. SPERLING.

RICHARD KING.

JOHN ASHILEY.

FRA. MAY.

S. BANNISTER.

MATTHEW HUTCHINSON, jun.

JNO. CORDEROY.

WILLIAM CORSTON.

HENRY LING.

ROB. YOUNG.

HORACE TWISS.

EDW. BAINES.

S. W. HANNA, Clerk.

WM. M. HIGGINS.

GEORGE FIFE ANGUS.

THOMAS BEVAN.

WM. ALLEN.

AND. JOHNSTON.

(Received at the Colonial Office, 10th April 1837.)

No. 1.—EXTRACT of a Letter from a Wesleyan Missionary who was present when Sir F. B. Head made the Treaty alluded to in the Memorial.

“The Indians were now called to a Council, and were, as usual, ready to attend. Here the Ottawas and Chippewas, each of whom claimed the Manitoulin Island, relinquished the same, on condition that the Governor should secure it to both, and their Heirs for ever. It was likewise proposed to the Chippewas from Saugeeng that they should relinquish all Title to their extensive Territory on Lake Huron, retaining only the Peninsula between the said Lake and the Georgiana Bay, the Line to commence at Bottom of Owen's Sound, and to extend directly across the Peninsula. Thus the Indians are again more removed from the Spot to them dearest upon Earth, and constrained to give place to those who, receiving greater Encouragement, make consequently greater Improvement. Documents specifying the above Arrangements were produced,

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produced, and signed in Council by the Governor and the Indian Chiefs who were present. Never, I believe, have any Body of Indians relinquished their Claim to Lands in the Manner which the Saugeeng Tribe have done. Some specified Amount has been formerly allowed as an Equivalent for their Land, or some other Ground; but these have comparatively nothing insured to them, it being left completely to the Discretion of one, or, at the most, of a few Individuals, to determine what Recompence shall be made to them. They have no Claim on Government for any annual Payments, as have all the other Bodies of Indians in the Province who have ceded their Lands. The Speech of His Excellency was well suited to the Idiom of the Indian Language, and admirably adapted to gain their Attention and Confidence, and will doubtless be remembered and frequently repeated in the Depths of the Wilderness."

No. 2.—EXTRACT from the same Letter, containing an Account of the Settlement which forms the Subject of the Memorial.

This Mission is beautifully situated. Fine Flats, containing from Two to Three hundred Acres, extend along the River, where the Indians cut sufficient Hay for their Oxen and Cows, and grow excellent Corn.

There are here some good Log Houses, and several comfortable Bark Shanties. On the Hill in the Rear of the Flats are several fine Fields of Corn and Potatoes, and a good Kitchen Garden belonging to the Mission House. The Indians at this Station have been remarkable for their Stedfastness since they embraced Christianity; they appear to be a happy People, much attached to their Missionaries, teachable, and give several solid Proofs that they are progressing in Civilization. What Effect their Removal from the Spot so dear to them may have upon their future Conduct I cannot predict; but surely, should they not make all that Improvement which some might expect, it should never be forgotten that to their frequent Removals, and the uncertain Tenure by which they hold their Lands, may chiefly be attributed their Neglect of agricultural Pursuits. They say, and not without some Provocation, "If we clear Fields, build Houses, and make Orchards, the White Man will soon want them, and he must have them." God help them!

No. 2 a.—The Members of the Society of Friends in the United States have made numerous Attempts to ameliorate the Condition of the North American Indians, by the Introduction of Civilization amongst them; and in their Correspondence with their Brethren in this Country they have often given very gratifying Details of the Success which has attended their Labours. In every Instance these fair Prospects have been blasted; and the Correspondents have had to relate the fatal and irreparable Consequences produced by the Removal of their Protégés on account of the Concession of their Land by the Tribes to which they belonged.

No. 3.

Sir,

Downing Street, 28th April 1837.

I am directed by Lord Glenelg to inform you, that he has had under his attentive Consideration the Memorial on behalf of the Indians of Upper Canada, signed by yourself and many other Gentlemen, which you delivered to his Lordship on the 10th instant. Lord Glenelg desires me to convey to you his best Thanks for the Suggestions made in this Memorial for the Benefit of those Tribes; and I am to assure you of his anxious Wish to adopt any Measures which might be necessary for their Protection and Civilization. He feels, however, that until you have had an Opportunity of considering the Grounds on which Sir F. Head adopted Conclusions in respect to the Treatment of the Indians so opposite to those expressed in your Memorial, it would not be possible for his Lordship to act on the Suggestions submitted to him. He therefore directs me to enclose to you a Copy of Sir F. Head's Despatch on this Subject, the Perusal of which will probably afford you some new Information in regard to the serious Difficulties by which the Question is beset. His Lordship will be happy hereafter to receive any Observations in respect to Sir F. Head's Proceedings which you may desire to submit to him.

I have, &c.

Dr. T. Hodgkin.

(Signed) GEO. GREY.

No. 4.

To the Right Honourable Lord Glenelg, Secretary of State for the Colonial Department.

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We, the undersigned Memorialists, having carefully perused the Despatches from Sir Francis Bond Head relative to the recent Cession of Land in Upper Canada, feel bound to lay before your Lordship a Statement of the Reasons which induce us to *adhere* to the Opinions expressed in our former Memorial. In doing so we beg your Lordship to believe that it is not our Intention to cast the smallest Imputation upon the Motives which have actuated the Conduct of the Lieutenant Governor in this Transaction. We desire to call your Lordship's Attention to the Policy of Sir Francis Head's Proceedings rather than to the Motives by which those Proceedings have been regulated.

It is scarcely necessary for us to say that we quite concur in the Views of Sir Francis Head respecting the Injustice and Cruelty with which the Aborigines of North America have been invariably treated by European Nations, and it gives us no small Satisfaction to find the Indians of Upper Canada recognized as "the real Proprietors of the Soil." Deeply as we regret the recent Removal of the Indians from the Territory which they have so long occupied, we yet rejoice that such Removal has not been accomplished by Violence, or been attended by those Scenes of Bloodshed and Cruelty which, in the Words of the Lieutenant Governor, combine to form "the most sinful Story recorded in the History of the Human Race." We lament, however, that, notwithstanding the Warmth of Feeling expressed by Sir Francis Head in reference to the Wrongs of the Aborigines, his Policy in the present Case evinces but little Regard to those just and equitable Principles from the due Maintenance of which on the Part of the Colonial Government the permanent Wellbeing and Improvement of the Indians can alone be anticipated.

That the Treaty made by Sir Francis Head is founded in Injustice can hardly, we imagine, be disputed, when the Character of the Parties is considered. Never, perhaps, was the simple and unsuspecting Confidence of the Indians more clearly exhibited, and seldom has that Confidence been more abused, than in the late Exchange of 3,000,000 Acres of the richest Land in Upper Canada for 23,000 barren unproductive Islands remote from the Seat of Civilization and unfit for the Residence of Europeans. We object then to the Treaty on the Ground of its Injustice, because we regard it as taking an unfair Advantage of the Ignorance and Simplicity of those who have unhappily been led to give it their Assent.

But further, we object to this Treaty on account of its obvious Tendency to hinder the Progress of Civilization. The mere Circumstance that but few of the Tribes in Upper Canada have as yet become civilized is assuredly no Proof that their Civilization is impracticable. The Experiment has never yet been fairly tried, for it may safely be affirmed that every Attempt which has been made to improve the Condition of the native Races has been in a great Degree defeated by the Policy of the Colonial Government. It is surely unreasonable to expect that Men accustomed and attached to a roving unsettled Life should consent to abandon their wandering Habits and engage in agricultural Pursuits, when Experience has so frequently taught them that the Cultivation of the Soil will in their Case prove only a preparatory Step to its Seizure by the Europeans. We regard the partial Success which, in spite of these discouraging Circumstances, has already attended the Efforts of the Missionary Societies, as affording ample Evidence that under a wise and enlightened Policy the complete Civilization of the Indians may at no distant Period be reasonably expected. It is impossible, however, to cherish such an Expectation if the recent Treaty be carried into effect, since every future Effort to civilize the native Tribes must necessarily be attended with more formidable Difficulties. Another Shock has been given to the Confidence of the Indians, and again have they been taught the Inutility of cultivating their Lands, or, in other Words, of entering on a Career of Civilization. Nor can we omit to remind your Lordship that, inasmuch as the Abandonment of their former wandering Habits forms the first essential Step to a State of Civilization, the Location of the Indians as arranged by the late Treaty is in every respect most unfavourable to their Improvement. If to induce the Indians to cultivate the rich and fertile Lands they formerly occupied was a Task of Difficulty, that Difficulty must indeed be greatly augmented in the rocky and barren Islands which are to form their future Residence.

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On the Hardships and Privations which there is too much Reason to fear will result to the Indians from this Removal we deem it unnecessary to enlarge. The Fulfilment of Sir Francis Head's Prediction as to the speedy Extinction of the Aborigines may in truth be anticipated from the Provisions of the recent Treaty. In the Effects of the one will most probably be found the Fulfilment of the other.

The Lieutenant Governor's Vindication of his Policy on this Occasion seems to rest upon the Supposition that the Fate of the Indians is sealed, that their speedy Extermination is inevitable, and that the Continuance of their Intercourse with Europeans can only facilitate their Extinction. We need hardly remind your Lordship that in almost every Instance where the Territory of the Aborigines has been invaded by the European Settlers the Aggression has been justified on precisely similar Grounds to these. We see nothing in the Condition or Character of the Canadian Indians which should induce us to regard them as a Race devoted to Destruction, nor are we aware of any Circumstance which can at all unfit them for holding Intercourse with their civilized Neighbours. That deep and fearful Injury has resulted to the Aborigines of Upper Canada from their Connexion with civilized Nations is, we humbly submit to your Lordship, no Proof that such Connexion must be pernicious for the future. The Fact that in the United States of North America many Tribes have become civilized is in itself sufficient to show the Fallacy of the Principle on which the recent Treaty appears to be founded.

In conclusion, we humbly and respectfully, but most earnestly, implore your Lordship to regard the Prayer of our former Memorial, and, by restoring to the Indians some Portion of that valuable Territory which they have recently resigned to the British Government, to assist the Efforts of those benevolent Persons who, encouraged by the Success of their past Exertions, are willing to employ their utmost Energies for the complete Civilization of the Aborigines of Upper Canada.

WM. M. HIGGINS, Hon. Sec. to the Aborigines Protection Society.
 AUGUSTUS D'ESTE. }
 SAMUEL BLACKBURN. } On behalf of the Committee.

No. 5.

My Lord,

33, Ely Place, Sept. 29, 1837.

I am commissioned by the Directing Board of the Church of the United Brethren, to whom the general Superintendence of our Missions among the Heathen is likewise synodally committed, to bring under your Lordship's Notice certain Transactions which have recently taken place in Upper Canada, whereby they have Reason to apprehend that the Wellbeing and Permanency of the Mission of our Church among the Delaware Indians in that Colony have been or may hereafter be seriously compromised.

Although in the Discharge of this Commission it becomes my Duty, for the first Time, to address your Lordship in the Language of Complaint, I am too well assured, by past Experience, of the favourable Disposition of your Lordship towards the Missionary Labours of the Brethren's Church, to doubt your Willingness to give a patient Hearing to my Statements, and to return such an Answer to the Petition I shall venture to found upon them as may be warranted by a candid and equitable Consideration of the Case in all its Bearings.

The Mission of the Brethren's Church among the North American Indians has existed for upwards of a Century, having been established in the Year 1734. During the whole of this lengthened Period, and especially during the first Sixty Years, it was exposed to manifold Difficulties, and its Servants to severe Trials and Disappointments; the Settlements formed at various Times within the Limits of the Colonies which now constitute the States of the American Union having to be successively abandoned, owing to the jealous Hostility of the Whites, or the Persecutions raised against the Indian Converts by their Heathen Countrymen. In the Year 1792 the principal Remnant of the once flourishing Indian Congregations was compelled to seek an Asylum in Upper Canada, where they were kindly received by the Provincial Authorities, and permitted to settle on the River La Tranches, (now called the Thames), a Stream flowing from the Northwards into Lake St. Clair. On the Banks of this River a large Tract of Forest Lands, amounting to about 50,000 Acres, was allotted for

for their Use by the Provincial Government, on which they proceeded to build a Village, called Fairfield; a Church and other needful Mission Premises, being erected at the Expense of the Brethren's Missionary Fund. This Settlement having been entirely destroyed by the invading American Army during the unfortunate Campaign of 1812, a new one was formed on a Site at no great Distance from the former, where in a short Time the Indian Congregation was again collected, and where it still resides, to the Number of about 270 Individuals of all Ages. Of the Tract of Land made over to the Brethren in 1798 for the Use of their Converts, about 600 Acres, lying contiguous to the Settlement on both Sides of the River, were progressively brought under Cultivation. Such of the Inhabitants as were not occupied in the Labours of the Field found Employment in the Exercise of different useful Trades, for the learning and Practice of which they received every Encouragement from the Missionaries. Schools were at the same Time established for the Children, and Religious Instruction was regularly imparted to all Classes of the Population. It is hardly necessary to observe, that if these Blessings are to be preserved to those who have hitherto enjoyed them, and to be extended to such as are still in a State of Heathenish Ignorance and Barbarism, it is of the utmost Importance that every Encouragement should be given to the Indian Families now associated together as a Christian Community to remain under the Superintendence of the Missionaries, and to profit by the spiritual and temporal Advantages which are now so abundantly afforded to them and to their Children.

I would still remark, that the Mission at New Fairfield, of whose History and present Condition the foregoing presents a brief and imperfect Outline, is mainly supported by a voluntary Society established at Bethlehem in Pennsylvania in the Year 1787, under the Name of "The Brethren's Society for the Propagation of the Gospel," and that its immediate Direction is intrusted to a Board of Bishops and Elders, whose Seat is at the same Settlement. The Members of this Board are considered as the Trustees of the Property belonging to the Mission, and have hitherto acted in that Capacity. It is by a Letter from the President of the Board in question, Bishop Andrew Benade, that I have been made acquainted with the Transactions to which I respectfully crave your Lordship's Attention, and which have issued in the Alienation from the Trustees of about One Half of the Land attached to the Mission Settlement, without their Concurrence or Co-operation. Of this Letter I take the Liberty of enclosing herewith a Transcript for your Lordship's Perusal, and of annexing Copies of an Order in Council, and sundry other Documents, proceeding from the Colonial Office of Upper Canada, tending to show the Design of the Government of that Province in making a formal Allotment of Land to the Mission at Fairfield.

I would meanwhile respectfully solicit your Lordship's Attention to the following Facts and Considerations, which are chiefly derived from the Documents above mentioned.

1. That the Tract of Land granted to the Mission by an Order in Council of the Government of Upper Canada, dated 10th July 1793, was declared by a Letter from the Secretary of the Supreme Council to the Missionary, the Rev. Gottlob Senseman, dated 11th June 1798, and by a subsequent Letter from the same Functionary to the Surveyor General, dated 26th February 1799, containing a second Order in Council for the Survey of the Land in question, *to be vested for ever in the Trustees of the Moravian Society for the sole Use of their Indian Converts.*

2. That in all Transactions with the Provincial Government prior to those to which Reference is made in the Letter of Bishop Benade, and which have occasioned the present Appeal to your Lordship, the Claims of the Trustees to the Land attached to the Mission were distinctly recognized.

3. That in the recent Negotiations of the Lieutenant Governor Sir Francis Head with the Indians at New Fairfield these Claims have for the first Time been overlooked or disregarded, and that One Half of the Land thus vested in the Trustees has been in consequence alienated from the Mission without their Sanction or Concurrence.

4. That hereby a serious Injury has been inflicted on the Mission; first, by the Establishment of a Precedent which may be employed at any future Times for the Alienation of the Whole or any Part of the Remainder of the Mission

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Lands;

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Lands ; secondly, by the Circumstance that the Missionaries at New Fairfield, who had been duly empowered by the Trustees to treat with the Provincial Government for the Sale of any disposable Portion of these Lands, were deprived by the Mode in which the Negotiation was conducted of all Opportunity of giving even an influential Opinion as to the Extent and Position of the Tract to be ceded, a Point of much Importance to the Wellbeing of the Work in which they are engaged ; lastly, by the probable Effect produced on the Minds of the Indians by the Transactions referred to, there being reasonable Cause to apprehend that their Respect for the Character and Authority of their Christian Instructors, one of whom has lived and laboured among them for upwards of Thirty Years, will experience some Abatement when they observe that in an Affair of so much Consequence the latter are altogether passed by as Persons whose Claims and Opinions are entitled to small Consideration by their provincial Rulers.

At the same Time that I thus freely express to your Lordship the Opinion of the Directors of the Brethren's Missions that the late Proceedings of Sir Francis Head have been irregular in their Nature and hurtful in their Tendency, I am instructed to intimate on their Behalf an entire Coincidence in the Views of the Missionaries at New Fairfield and the Superior Board at Bethlehem to the Effect that, since a Contract has been actually concluded and the formal Assent of the Indian Congregation obtained, it would be inexpedient to take any Steps which might lead to the annulling of it. The Directors of the Brethren's Missions are satisfied to let the Agreement which has been made remain substantially what it is ; but they feel that they would not be discharging their Duty were they not earnestly and respectfully to petition your Lordship,

1. To recommend to the Lieutenant Governor to accede, as far as Circumstances may permit, to any further Arrangement suggested by the Missionaries relative to the Appropriation of the Lands immediately contiguous to the Settlement of New Fairfield, and to grant the Reserve of One and a Half Square Miles, including the Site of the old Town and former Burial Ground of the Mission, for which the Missionaries have applied ;

2. To direct that the Remainder of the Mission Land, amounting as it would appear to about 25,000 Acres, be secured by a legal Instrument to the Trustees to whom it was originally granted, or to Representatives of the said Trustees in this Country, being British Subjects ; and that in any future Negotiations which may be entered upon by the Provincial Government of Upper Canada for the Surrender of any Portion of the Lands the resident Missionaries be in the first instance consulted, and their Consent and that of the Trustees be obtained, and duly certified by their respective Signatures, previous to the Completion of any Contract with the Indians.

It would be a Subject of sincere Regret to myself, as well as to the esteemed Brethren and Fellow Servants on whose Behalf I venture to address your Lordship, were any Statement or Sentiment which has found its Way into the Documents herewith submitted to your Consideration to appear to your Lordship to bear with unnecessary Severity on the Proceedings of the Lieutenant Governor of Upper Canada. For the personal Character of Sir Francis Head we entertain the highest Respect, and we cheerfully and thankfully acknowledge the Benefits conferred on the Upper Province by his Administration. Neither do we presume to call in question the Uprightness and Benevolence of his Intentions in regard to the very Procedure of which we complain, although we cannot but state our Opinion that, in adopting and persevering in it, he has been under the Influence of mistaken Views, as well in reference to the Claims of the Trustees of the Moravian Mission as to the real Interests of the Indian Congregation. Your Lordship is, I am persuaded, sufficiently acquainted with the Principles and Practice of the Brethren's Church, both at home and abroad, to feel assured that it is not without great Reluctance that her Members decline Compliance with the Wishes of the Rulers who are set over them, or that they appeal against the Proceedings of those Rulers to the supreme Authority of the State. In the present Instance, however, we trust that we shall stand acquitted of having done either the one or the other without sufficient Causes, for we should be sorry to be thought capable of adding unnecessarily to the Difficulties and Anxieties of those to whom the arduous and responsible Duty of Government is intrusted, especially in Times like the present.

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The whole Case is herewith respectfully submitted to the Decision of your Lordship, in the confident Belief that the Mission among the Indians at New Fairfield will experience the same Protection and benevolent Regard which the Missions of the Brethren's Church have hitherto invariably enjoyed from the Ministers of the British Crown, and for which we desire to renew our grateful Acknowledgments.

The Right Hon. Lord Glenelg,
&c. &c. &c.

I have, &c.

P. LATROBE,
Secretary.

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Extract of a Letter from the Reverend Andrew Benade, Bishop of the Brethren's Church, and President of the Society for propagating the Gospel among the Heathen, to the Rev. P. Latrobe.

My dear Brother,

Pennsylvania, Bethlehem, 5th July 1837.

I am commissioned to make the following Statement to you of certain Occurrences which have lately taken place at our Mission Settlement of New Fairfield in Upper Canada, in reference to the Tract of Land granted by the British Government to the Society of the United Brethren, for the sole Use of their Indian Converts, and to request you to adopt such Measures as may appear best calculated to serve the Cause in which we are so deeply interested.

The Tract of Land in question attached to our Missionary Station at New Fairfield contains about 50,000 Acres. All the Documents we possess relative to the Grant of this Tract made to us by your Government are Copies of Two Orders in Council, of a Letter to the Missionary Gottlob Senseman, and of a Series of Instructions respecting the Survey of the Land, of all which I enclose you Duplicate Copies. It would appear that no regular Conveyance of the Land by Deed has ever been made; but our Christian Indians have ever since remained in full and peaceable Possession of it, and the Provincial Government of Upper Canada has always acknowledged and respected the Claim and Title of the Trustees thereto, till of late. Twice, viz. in the Years 1819 and 1833, the Provincial Government desired that Part of the Land might be retroceded to it, for a certain Compensation. In both Instances, however, Application was made, *not to the Indian Converts*, but to the Missionaries, and through them to our Conference, as the Board of Trustees to whom the Superintendence of our Missions among the Indians on the North American Continent is committed. No Surrender of any Part of the Land was made at the Periods referred to. Our Conference however concluded to provide for any similar Applications at a future Time by empowering the Missionaries at New Fairfield to treat with the proper Authorities about the Surrender of so much of their Lands as in their Opinion might be spared without Injury to the Interests of the Mission, always with the Concurrence of the Indian Congregation for whose Benefit the Land had been granted. No Occasion has meanwhile been afforded for the Exercise of this Power; for during the Progress of the late Negotiations, which have terminated in the Cession of about One Half of the Lands in question, the Trustees have been entirely neglected or overlooked, the whole Business having been chiefly transacted with the Indian Converts, as the following Narrative will show:—

In the Month of September last (1836) the Lieutenant Governor Sir Francis Head passed through New Fairfield, and without calling on the Missionaries, stopped at the Houses of some of our resident Indian Brethren, whom he requested to meet him at a Place about Twelve Miles farther, where he purposed to halt for the Night. Five of their Number accordingly repaired thither, and the Lieutenant Governor proposed to them to move to the Lakes Northward, where he would give them as much Land as they wanted; or else to sell all their Land to him, should they be desirous of emigrating beyond the Mississippi, or at least to surrender to him that Portion of it which is situated to the North of the River Thames, in consideration of an Annuity of Six hundred Dollars; observing, that they had more Land than they needed, and that they neglected to keep the great public Road which runs through this Portion in repair. The Indian Brethren declared themselves satisfied with their present Situation, and unwilling to part with their Land, or any Portion of it; whereupon the Lieutenant Governor proceeded on his Journey, evidently dissatisfied. When the Indian Brethren came home, they of course informed the rest of the Congregation of the Proposals made to them by the Lieutenant Governor. The more sensible and respectable Part of the Congregation, together with the Missionaries, approved of their Answer to the Lieutenant Governor; but there were others, principally such as had long wished to emigrate, who were not satisfied, and signified a Desire to accede to the Governor's Proposal. Of this they contrived to send Word to the Lieutenant Governor without the Knowledge of the other Party or of the Missionaries. In consequence hereof, about Four Weeks after Colonel Clinch made his Appearance at New Fairfield, as Agent of the Governor, and convening all the Indian Brethren in the Church, held a Council with them, in Presence of the Missionaries and of Five Freeholders from the Settlement of White Inhabitants, as Witnesses. A written Instrument was produced, according to which the Land on the North Side of the River Thames was to be surrendered to Government

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for an Annuity of 600 Dollars, and a Compensation was promised for the Improvements on the Land between the River and the public Road. Warm Debates ensued, and it was finally left to be decided by the Votes of the Indians present. Contrary to the Expectation of the Missionaries, the Decision was in the Affirmative, Twenty-eight voting in favour of the Governor's Proposal, and Twenty-six against it. The former immediately signed the Contract. The Minority, on the other hand, resolved to petition the Lieutenant Governor to make the public Road the Boundary between the Two Portions, as they did not wish to lose the Land between the River and the Road, *that* being the best cultivated Part of their Allotment; further, to grant them a Reserve of a Square Mile and a Half opposite to New Fairfield, including the Site of the old Town destroyed during the War of 1813. In case their Petition was granted they engaged to sign the Contract. The Missionaries at the same Time remonstrated against the Proceedings which had taken place as being irregular, the Indian Converts having in their Opinion no Right to dispose of the Mission Land without the Consent of the Trustees, or of the Missionaries acting on their Behalf, and handed to Colonel Clinch a Copy of the Orders in Council for the Inspection of the Lieutenant Governor. They subsequently, by our Advice, addressed the Lieutenant Governor in Writing, humbly submitting to him their Views, and their Objections to the late Transactions with the Indian Converts, and beseeching him to grant the Petition of the Minority, in which Case they offered to sign the Contract on behalf of the Trustees. Before this Letter reached the Lieutenant Governor he had already despatched Colonel Clinch a second Time to New Fairfield with the requisite Writings and Strings of Wampums for the Conclusion of the Business. The Lieutenant Governor appeared to pay very little Attention to the Orders in Council or to the Petition of the Minority, but insisted on the River being made the Boundary, only offering the Use of the Land between it and the public Road for One Year longer. After the Receipt of the Address from the Missionaries he wrote to Colonel Clinch to make a further Offer of 200 Acres, including the Site of the old Town (or Missionary Village), on condition of the Missionaries signing the Contract as Agents of the Moravian Society. This in the present State of Affairs they declined to do. Thus Matters stood at the Close of last Year.

On the 21st of January of the present Year, Brother Abraham Luckenbach (the Superintending Missionary) received from Mr. J. J. Givins of the Indian Office a Letter to the following Effect:—"I am commanded by the Lieutenant Governor to state, that should you deem it advisable for the Interest of the Moravian Indians to have an Interview with him at Toronto, His Excellency would be glad to have some Conversation with you on this Matter." B. Luckenbach answered, that it would not be convenient for him to wait on the Lieutenant Governor before the Month of May; to which Mr. J. Givins wrote in reply, that as it appeared that he (Brother Luckenbach) would not be able to come to Toronto before the Month of May, His Excellency would direct a Communication to be made to him during the Interval, respecting the Surrender made by the Indians. This Communication was made on the 18th of April last by Colonel Clinch, to the Indian Congregation assembled for that Purpose in the Church; by which the Lieutenant Governor gave his Consent that the public Road should be the boundary Line; leaving it however undetermined how great the Reserves, including the Site of the old Town, should be; as hereby the chief Object of the Petition was attained, and about 2,000 additional Acres of Land secured, the Minority from whom it had proceeded cheerfully signed the Contract. The Signatures of the Missionaries were however neither mentioned or required. The Annuity of 600 Dollars was immediately paid to our Indian Brethren.

From the foregoing Statement you will perceive, that by means of Proceedings which, in our Opinion, were both irregular and arbitrary, about one Half of the Land granted to the Brethren's Society in Trust for the Use of our Indian Converts, has been surrendered. It is true the latter did not require all that Land for Cultivation, yet it answered one important Purpose, by keeping the White People from settling too near them, a Circumstance which has always proved injurious to our Indian Mission; and it is much to be feared that the Consequences of the Surrender will on this Account be speedily felt, and prove a Source of much Anxiety to our Missionaries, if it should not eventually lead to the Ruin of the Mission. Had the Lieutenant Governor only consulted the Missionaries, previous to his negotiating with the Indians, a Cession of such Part or Parts of the Land might have been arranged as could have been surrendered without Injury to the Interest, or Danger to the Existence of the Mission. But he appeared to be simply intent on obtaining as large a Portion of the Land as possible, and bringing it into an improved State of Cultivation.

Meanwhile, it is the Opinion of our Missionary Brethren at New Fairfield, that since Matters have been so far arranged and adjusted between the Government and the Indians it would be inexpedient to attempt to disturb or alter the Agreement which has been concluded. We are inclined to hold the same Opinion. Even if we could obtain Redress we question if it would answer any good Purpose, as it might tend to embroil the Missionaries with the Colonial Government, which would be alike contrary to their Wishes and prejudicial to the Work in which they are engaged. At the same Time we think with them, that an Attempt should be made with the Government at home, which appears to be very favourably disposed towards our Missions, to secure to the Mission at New Fairfield the Remainder of the Land which it still possesses by a written Instrument, and to instruct the Provincial Government to avoid in future
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treating with our Indians about the Lands they occupy, without having made a previous Communication to the Missionaries, and obtained their Concurrence, as well as that of the Trustees.

(Signed) ANDREW BENADE.

No. 25.
Lord Glenelg
to
Sir G. Arthur,
22d August 1838.

Enclosures.

Senseman,
Headman, Moravian. }

In Council, 10th July 1793.

Ordered, A Tract of Land on River La Franche, on a Width of Six and Three Quarters Miles about *there* Village, extending Twelve Miles back on the South Side, and Northward to the Purchase Line.

(Signed) JOHN SMALL, C. E. C.
In the Surveyor General.
CHEWETT & RIDOUT.

An Extract from the }
Minutes. }
S. G. O., 1st June 1803.

Sir,

Council Office, 11th June 1798.

Your Memorial was laid this Day before the Honourable the Executive Council, and the Board have ordered that the Surveyor General be directed to cause a Survey to be made of the Tract appropriated to the Trustees of the Moravian Society by an Order of Council dated the 10th of July 1793; and that the Tract be reserved for ever to the Society, in Trust for the sole Use of their Indian Converts. A Tract to be laid off at the same Time contiguous thereto, equal to Two Sevenths of the Quantity in the said Tract, one of which is to be reserved for ever (agreeable to the Act) for the Support of a Protestant Clergy in this Province.

Rev. Gottlob Senseman,
Missionary, &c.

I have, &c.
(Signed) J. SMALL.

Sir,

Council Office, 26th February 1799.

I herewith send you an Order, upon the Petition of Gottlob Senseman, read 11th June 1798.

Ordered, That the Surveyor General be directed to cause a Survey to be made of the Tract appropriated to the Trustees of the Moravian Society by an Order of Council dated the 10th of July 1793; and that this Tract be reserved for ever to the Society, in Trust for the sole Use of their Indian Converts. A Tract to be laid off at the same Time contiguous thereto, equal to Two Sevenths of the Quantity in the said Tract, one of which is to be reserved for ever (agreeably to the Act) for the Support of a Protestant Clergy in this Province.

To the Hon. D. W. Smith.

I have, &c.
(Signed) J. SMALL, C. E. C.
In the Surveyor General.
CHEWITT & RIDOUT.

An Extract from the }
Minutes. }

Sir,

Surveyor General's Office, 26th February 1799.

I enclose for your Guidance Two Orders of Council relative to the Moravian Indians settled upon River La Franche, and you will cause a Survey of the Tract appropriated for them to be executed accordingly.

For this Purpose I transmit a Sketch to assist your Operations, which you will commence at the North-east Angle of the Township of Howard upon the said River, and survey the River up, so as to give them a Width of Six Miles and Three Quarters on a Course running North Forty-five Degrees East; but if you have not good and accurate Tables for working your Latitude and Departure you had better run a Right Line of that Distance, and to take the Course of the River afterwards.

From each Extremity of this Line you will run Two Lines South Forty-five Degrees East to Lake Erie, and Two other Lines from the said Extremities to run North Forty-five Degrees West to the Purchase Line of 1790, which you have begun, and which it will be necessary for you to complete for this Purpose.

The Eastern Extremity of this Limit of the Cession in 1790 may possibly fall within the present imaginary Bounds of the Moravian Tract; but from such Information as I have been able hitherto to obtain it is imagined it will strike the River La Franche a little higher up than the Moravian Township called Oxford.

On the Lines towards Lake Erie you will ascertain the Depth of the Township at the Distance of Twelve Miles from the River on each Line, and then correct these Two Stations by a Right Line to be the Rear or Southern Boundary of the Tract. You will then

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run the Shore of Lake Erie, contained between the produced Limits of the Township, and lay off the Outlines of One Seventh to be reserved for the Clergy, containing (if I have calculated right) about 7,405 $\frac{1}{2}$ Acres, and then for the future Disposition of the Crown an equal Quantity; but I much fear that the Gore which will be upon Lake Erie after laying off the Township, will not prove of sufficient Size to afford much more than One Seventh; however, I hope I may be disappointed.

To each Seventh of 7,045 $\frac{1}{2}$ Acres must be added a Seventh of that Part of the Township called the North Division of Oxford, and comprehended in the Triangle D.; but as the Contents of that cannot be known till you have ascertained the Purchase Line, it cannot be computed here, but must be calculated and added by you after you have surveyed it.

I am, &c.

D. W. SMITH.

To Mr. Irdell,
Deputy Surveyor, Western District.
S. G. O., 1st June 1803.

No. 26.

(No. 136.)

COPY of a DESPATCH from Lord GLENELG to Sir GEORGE ARTHUR, K. C. H.

No. 26.
Lord Glenelg
to
Sir G. Arthur,
31st August 1838.

Sir,

Downing Street, 31st August 1838.

I TRANSMIT to you herewith the Copy of a Letter which I have received from Mr. Busk, applying on behalf of the New England Company for certain Lands in Upper Canada, to be held in Trust for the Indians, under the Superintendence of that Company. This Question was brought under Sir F. Head's Consideration by the Agent of the Company during the Autumn of 1837, but the Events which occurred soon after that Time prevented his taking any Steps respecting it. I apprehend that it will scarcely be possible, consistently with the Act passed in the Session of 1837 for regulating the Disposal of the Waste Lands of the Crown, to comply with the Wishes of the New England Company; but I request you to take the enclosed Paper into your Consideration, and to report to me what is the present State of the Indians under the Care of this Company; what Progress they have made in the Arts of Civilization; and whether it is possible in any way to promote the Efforts of the Company for their religious and moral Education.

As this forms Part of a wider Subject of Indian Improvement to which I called your Attention in my Despatch of the 22d of August, No. 130., I have only to refer you to that Despatch, as pointing out the general Principles on which it ought to be considered and dealt with.

I have, &c.

(Signed) GLENELG.

Enclosures in No. 26.

Enclosures.

Sir,

Lincoln's Inn, 24th August 1838.

I was favoured with your Letter in June last, apprizing me, at the Request of Lord Glenelg, that Sir Francis Head had stated he was unable, in consequence of his Resignation of the Government of Upper Canada, to prepare for the Information of Her Majesty's Government any Report respecting the Lands in that Province which the New England Company were desirous to obtain as Trustees for the Indians, and suggesting that the New England Company should state distinctly in Writing the Arrangement which they wished to effect respecting those Lands, the Motives and Terms of the Trust to be constituted, and the Extent and Position of the Land which they desire to obtain, in order that the whole Question might be brought by Lord Glenelg under Sir George Arthur's Notice, for his Consideration and Report.

I should have acknowledged much sooner the Receipt of your Letter, but have been unexpectedly delayed from Time to Time by various Causes, chiefly by ill Health, and now beg leave to transmit in reply the Statement herewith enclosed, which I hope will be found to contain satisfactory Answers to the several Inquiries.

For some Information (if desired) respecting the general Purposes and Objects of the New England Company, we might refer to Communications which

which have at different Times taken place between the Company and the Colonial Office, and to others which have passed between the Company and the Office of the Secretary to the Treasury, among the most recent of the former of which were the Correspondence or Copies of Correspondence that took place in the Years 1833, 1834, and 1835 between the Provincial Government in Upper Canada and Her Majesty's Government at home and the Company respectively. The Colonial Office is, we understand, in possession of a printed Copy of the Charter, 7th February, 14th Car. II., the Record of which is deposited among the Records at the Rolls Office, Chancery Lane. One of the printed Copies, or any Copy, authenticated in any Form that may be desired, may, if the Law and Usage of the Country require it, be sent out and registered or enrolled in the Colony.

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These Observations have reference to Remarks which it is understood were made by some of the Officers of the Provincial Government when the Matter was before them, on the Applications, first of the Company's Agents, and afterwards by the Deputation from the Company which visited Upper Canada in the latter End of last Year.

And in case Her Majesty's Government should be desirous of any further Information on their Affairs, the Company will be ready to answer any Inquiries which may be addressed to them for that Purpose. You will find, on referring to the Documents in the Colonial Office, that similar Grants have been made to or for the Company of Lands at different Stations in Upper Canada.

You will see that the Pieces of Land now applied for, though not of large Extent, are yet of great Importance to the carrying on the Operations of the Company, which are and have for some Time been in progress in Upper Canada, and with good Prospect of considerable Success.

It is therefore confidently hoped Lord Glenelg will be induced to return or recommend a favourable Answer to this Application, from a Regard both to the Objects of this charitable Trust and to the Interests of the Colony at large.

I must not let the Opportunity pass of offering, on the Part of the New England Company, to Lord Glenelg and yourself, the Thanks due for his and your Attention, both to our Application in March last, on the Subject of the above-mentioned Grants, and to that subsequently made respecting a Motion of Mr. Hume's in the House of Commons upon a Petition of Sir H. P. Beddingfield, and which Motion, being brought forward on 1st May, was (and we submit very rightly) negatived.

I take the Liberty of adding generally, that we are always ready to render an Account of our Property and Affairs whenever such Account may be required by the appointed Authorities, and in the regular Mode, according to the Provisions and Directions of the Charter, or on sufficient Ground in any due Course of Law.

Sir George Grey, Bart.
&c. &c. &c.

I have, &c.
(Signed) EDWARD BUSK.

Statement on the Part of the New England Company respecting certain small Parcels of Land in Upper Canada applied for by the Company.

From Communications which the Company have at different Times had the Honour of making to the Office of Her Majesty's Secretary of State for the Colonies, it may have already sufficiently appeared that a principal Station at which the Company are endeavouring to execute their Trusts is among the Indians called the Six Nation Indians, formerly inhabiting close upon the immediate Borders of the ancient Territory of New England, now located at the Indian Reserve, on the Banks of the Grand River between Lake Erie and Lake Ontario. The Company maintain their Missionaries, Schoolmasters, and Teachers of the most simple and useful Arts and Trades, who are employed at the Company's Expense in Endeavours for civilizing, educating, and instructing the Heathen Natives in the Christian Religion, and also in such

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Enclosures.

Kinds of Learning, and of Arts and Trades, as appear adapted to their Condition.

The Residence of their chief Missionary at this Station, a Clergyman of the Church of England, an Office lately held by the Reverend R. Lutter deceased, now by the Reverend Abraham Nellis, and some of the Company's principal Buildings and Establishments, are at or near the Mohawk Village, within a Mile or Two of Brantford. But the Company have also a secondary Mission at this Station, under an Assistant Missionary, also a Clergyman of the Church of England, the Reverend Adam Elliott, in the Territory or District occupied by the Tuscaroras, another of the Six Nations. The Lands which the New England Company now wish to have granted or confirmed to them are situate in this last-mentioned Territory or District, and consist of Fifty Acres at Tuscarora, lying in Two distinct Parcels, one of about Thirty-three Acres, the other about Seventeen Acres, being Half a Mile from each other, and about Ten Miles from Brantford in the Gore District, Upper Canada. Upon Part (viz. the Thirty-three Acres) a comfortable Parsonage-house and Outbuildings have already been erected by the New England Company, at a Cost of Four hundred Pounds and upwards, as a Residence for their Assistant Missionary. The above-mentioned Parcel of Thirty-three Acres is wanted as a Glebe for the Use and Occupation of the Clergyman acting for the Time being as the Company's Assistant Missionary. A Church is now building in the Neighbourhood at the Company's Expense, which was ordered by the Company on a Petition from a Deputation of Chiefs of the Six Nation Indians, where it is intended the Church of England Service should be performed; and a few Years ago a Dwelling House was erected on the other Piece, (videlicet,) the Seventeen Acres, by the Reverend Abraham Nellis, then their Assistant Missionary at Tuscarora, now their Chief Missionary at the Mohawk Village. This House was intended and for some Time used as a Residence for himself while Assistant Missionary, but it is now let to the Company, and occupied under them by one of the Company's Schoolmasters. All the Fifty Acres of Land, which have already been partly cleared by the Company's Missionary, formed Part of the Reserve for the Six Nation Indians, and have been surrendered in the usual Mode by the Indians to Her Majesty, with a view to the Grant being made to the Company; so that all which now remains to be done respecting these Lands is, that a Grant from the Crown should be issued and perfected for effecting the Purposes contemplated in the Surrender. Application for such Grant was made to the Provincial Government in Upper Canada by the Company's Deputation, who, as you are aware, visited that Country in the latter End of last Year; and it was expected a favourable Report would have been transmitted by the Government there to Her Majesty's Secretary of State for the Colonies; but it appears from the Statement of the late Lieutenant Governor Sir F. B. Head to Lord Glenelg, that the Business had been interrupted by the Events which happened about that Period in the Colony, and that in consequence no such Report had been made.

The only Point on which the Company would anticipate any Kind of Obstacle is that which might appear to arise from the Limitation prescribed in the Charter as to the Amount of Landed Property to be held by the Company, but which the Company trust will be readily obviated as herein-after is suggested.

The Charter enables the Corporation to hold Lands in England or any other of the Dominions of the Crown not exceeding in Lands of Inheritance the clear yearly Value of Two thousand Pounds. They have always been careful not to take any Lands in this Country exceeding at the Time the prescribed Value; but in regard to the Lands which they have recently obtained in Upper Canada, and which can hardly be said when granted originally in an uncleared State to have any annual Value (and when vested in other Trustees for the Indians cannot well be considered to be Lands held by the Company), they have been less attentive to this Point. Before, however, they proceed further in improving Lands in America, they wish to be protected against such Questions, in case it should be ascertained there is any sufficient Ground for them, either by a Trust properly constructed for such Purpose, if that should be found practicable, or by having further Licence of Mortmain granted to the Company in the regular Mode applying to each of the particular

ticular Grants which have been or are now to be made to or for the Company. They understand it is by no means unusual that such specific Licences should be granted, and assure themselves it will be seen to be sufficiently evident that this is a Case in which such Licences may very properly be allowed.

No. 26.
Lord Glenelg
to
Sir G. Arthur,
31st August 1838.

Enclosures.

The Company have also to request, that in an existing Grant, dated the 29th December 1828, from the Crown to certain Trustees of Land at the Mohawk Village, some Alterations should be effected, if that may be done, as they presume it may, by cancelling the present Grant and issuing a new one, or otherwise, as Government may approve. This Grant is of 220 Acres near the Grand River in the County of Wentworth in the Gore District, Upper Canada, and was intended and is used "for the Residence of a Missionary at the just-mentioned Station." The Company have been at considerable Expense in building or in contributing to the building of a very excellent Parsonage House on this Land, the Cost of which, about 800*l.* or 900*l.*, was furnished partly by Monies supplied by the Six Nation Indians, partly by a Subscription collected by the late Bishop of Quebec, and the rest by Sums granted by the New England Company, such last-mentioned Sums amounting together to not less than Half of the Whole.

The New England Company also granted, about the same Time (*viz.* the Commencement of their Station on the Grand River), 100*l.* for finishing the Repairs of the Church at the Mohawk Village, which had been previously in a very dilapidated Condition. Some Attention had been previously paid to the Inhabitants of this Neighbourhood by One of the Missionaries appointed by the Company for Propagation of the Gospel in Foreign Parts, who may have expended some Monies in promoting the Mission; but, on an Understanding between that Company and the New England Company, about the Time just referred to, the former withdrew from all Interference at this Station, while it is attended to and provided for by the New England Company. From about the same Period, that is for Ten Years past and upwards, the New England Company have also been at very considerable Expenses in maintaining, as above stated, a Missionary residing there at the Mohawk Village, and doing Duty at the above-mentioned Church; they have also established several Schools and a Mechanics Institute for the Indians in and about the same Station. The Company therefore presume it will not be considered unreasonable that the Grant should express that the Right of appointing the Clergyman is "in the Company, when they please to execute it within the usual proper Time; such Appointment to be subject nevertheless to the Approval of the Governor of the Province for the Time being, pursuant to an express Requisition on the Part of the Provincial Government for the Insertion of a Condition to this Effect." The New England Company also wish that (Three of the Trustees named in this Grant being dead) the original Number of Six Trustees should be filled up; the Company's Two Missionaries, namely the Reverend Abraham Nellis and the Reverend A. Elliott, and the Company's Lay Agent, Mr. William Richardson, of Brantford, to be Three of those Trustees. And Provision they submit should be made, that in future fresh Trustees in the Room of such of the Three Trustees above named, or of any coming in their Place, as shall die or be desirous of being discharged from or become incapable of acting in the Trusts, should be appointed by the New England Company. Further, the present Grant contains a Clause by which, with a view, it is presumed, to the Plan then proposed and since carried into effect, of founding or erecting a Number (*viz.* Fifty-seven) Rectories in Upper Canada, it is provided, that if the Governor of the Province should erect a Parsonage or Rectory upon or near the 220 Acres of Land, and should present to such Parsonage or Rectory an Incumbent or Minister of the Church of England, the Trustees are to convey the Premises to such Incumbent, or to surrender them to the Crown. This Clause, the Company submit, may now be dispensed with, as the Fifty-seven Rectories have now been formed, and Brantford, in the immediate Neighbourhood, where a Church has lately been erected at the Expense of the Inhabitants, is not one of such Rectories. In effecting these proposed Alterations it was understood the Archdeacon of Upper Canada had expressed his Readiness to concur.

(93.)

On

No. 26.
 Lord Glenelg
 to
 Sir G. Arthur,
 31st August 1838.
 ———
 Enclosures.

On a Consideration of the Circumstances stated in this Paper and in the accompanying Letter from the Governor of the Company, and from a Desire to promote the beneficial Purposes of the Company, we persuade ourselves that both the Provincial Government of Upper Canada and Her Majesty's Ministers here will deem it proper to make or sanction and confirm the Grants and Variations of Grant herein applied for; and, if it should prove to be necessary, either to cause to issue from or to facilitate the obtaining from the proper Office, on the Application of the Company, the requisite additional Licences for the Company's holding in Mortmain specifically both the Lands to be comprised in such new Grants and those comprised in the Grants already made and confirmed, as in the accompanying Letter herein-before described, and any others which may have been made to the Company, of all which Particulars a List is here subjoined.

29th December 1828.—Grant of 220 Acres of Land in the County of Wentworth, in the Gore District, Upper Canada, to the late Bishop of Quebec and others, "in Trust for the Use of the resident Missionary of the Established " Church of England, doing Duty amongst the Indians settled upon the " Grand River."

19th April 1834.—Grant of 1,120 Acres of Land in the Township of Otonabee in the County of Northumberland, Newcastle District, Upper Canada, to Trustees, "in Trust to hold the same for the Benefit of the " Indian Tribes in the Province, and with a view to their Conversion and " Civilization."

13th February 1836.—Grant to the New England Company and their Successors for ever of 360 Acres of Land in the County of Wentworth, Gore District, and in the County of Haldimand in the Niagara District, Upper Canada.

3d April 1837.—Grant to "The Company for the Propagation of the Gospel " in New England and the Parts adjacent in America," and their Successors for ever, of 1,600 Acres of Land in the Township of Smith, County Northumberland, Newcastle District, Upper Canada.

No. 27.

(No. 147.)

COPY of a DESPATCH from Lord GLENELG to Sir George ARTHUR, K. C. H.

No. 27.
 Lord Glenelg
 to
 Sir G. Arthur,
 22d Sept. 1838.
 ———

Sir,
 WITH reference to my Despatch No. 130., of the 22d of August, I transmit to you herewith the Extract of a Letter from the Rev. P. Jones, suggesting the Reservation of a Portion of the "Saugeeng Territory" for the Benefit of the Indian Tribes; and I have to request that, in adopting Measures to give Effect to my Instructions on the general Question of the Indians in Canada, you will give due Consideration to this Proposition.

I have, &c.

(Signed) GLENELG.

Extract of a Letter from the Rev. P. Jones to Lord Glenelg.

Enclosure.
 ———

Upper Lambeth Marsh, 13th September 1838.
 I desire to express my hearty Thanks for the high Gratification which I have enjoyed in perusing your Lordship's Despatches to Sir G. Arthur and to the Earl of Durham on Indian Affairs; and I sincerely hope your Lordship's Instructions

Instructions may be carried into effect as soon as practicable, and, if so, I have no Doubt but the Results will be most beneficial to the Indian Tribes.

I beg to suggest the great Importance of Her Majesty's Government reserving a sufficient Tract of Land on what is called the "Saugeeng Territory" as the future Home of all the Canadian Indians, and for any who may come over from the United States to settle in Canada.

I am of opinion that the Time will come when many of those Tribes located in the Midst of the White Settlements will see the Necessity of forming One general Community, and I know of no Place (unoccupied by the White Population) better calculated for this Purpose than the Saugeeng Territory. The Establishment of Schools of Industry amongst the Indian Tribes are much needed, and would tend greatly to facilitate their entire Civilization.

No. 27.
Lord Glenelg
to
Sir G. Arthur,
22d Sept. 1838.
Enclosure.

No. 28.

(No. 164.)

COPY of a DESPATCH from Lord GLENELG to Sir G. ARTHUR, K.C.H.

Sir,

Downing Street, 8th November 1838.

WITH reference to my Despatch of the 31st August last, No. 136., I transmit to you herewith the Copy of a further Communication from the Treasurer of the New England Company, pointing out a Distinction which in their Opinion exists between the Lands which they seek to obtain as Trustees for the Indians in Upper Canada and those for the Regulation of which the Provincial Act of 1837 was passed. I have no Doubt that the Circumstances adverted to in the Memorandum transmitted by Mr. Gibson will receive every Consideration from you.

No. 28.
Lord Glenelg
to
Sir G. Arthur,
8th Nov. 1838.

I have, &c.

(Signed) GLENELG.

Enclosure in No. 28.

Sir,

9, Great St. Helens, 17th October 1838.

I have the Honour to forward Copy of Part of a Letter which the late respected Governor of the New England Company intended to send you in reply to yours of the 5th September. A Special Meeting, or more properly a Meeting of the Special Committee of the Company, was held on the 18th September, at which Meeting the Governor presented his original Notes, and was requested to despatch his Letter at his earliest Convenience.

Enclosure.

That Opportunity never occurred; our highly respected Friend died on the 20th, very unexpectedly to his Family and Friends, and to the great Grief of all who knew him.

As Treasurer of the New England Company, it devolves on me, Sir, to make this Communication, in transmitting the accompanying Paper.

I have, &c.

Sir G. Grey, Bart.
&c. &c. &c.

(Signed) J. GIBSON.

Sir,

Lincoln's Inn, September 1838.

Your Letter of the 5th September is received, stating, by Desire of Lord Glenelg, that his Lordship had referred my Letter of 24th August last to Sir George

(93.)

No. 28.
 Lord Glenelg
 to
 Sir G. Arthur,
 9th Nov. 1838.
 ———
 Enclosure.

George Arthur, and intimating an Apprehension on the Part of his Lordship that it would not be in the Power of the Executive Government to comply with the Wishes of the New England Company, on account of an Act passed in the Colonial Legislature in 1837, and specially confirmed by Her Majesty, restraining the Disposition of Waste Lands of the Crown otherwise than by Sale at Public Auction.

On this Point it is essential to observe, what has not perhaps been sufficiently explained to Lord Glenelg or yourself before, that there is a material Distinction between the Lands lying within the Grand River Station and those in other Parts of Upper Canada. The latter, or large Parcels of them, no doubt may be, but the former we submit are not any of them, in strictness, Waste Lands of the Crown; these are the Remains of Lands many Years ago granted and allotted to the Six Nations expressly as their Indian Reserve, and settled on them by Treaty. For the Disposition of these we understand no other Steps or Forms are necessary than a Surrender by the Indians to the Crown for the Purpose of such Disposition, and the Assent or Confirmation of the Crown, which may, it would seem, be given, either by a Regrant, or signified in some other Mode; and with respect to all the Grants referred to in my Letter of the 24th August last, and the accompanying Statement, they had either been made or promised previous to the Act alluded to in your Letter of the 5th September last, a Circumstance too important to have escaped the Attention of Her Majesty's Government.

No. 29.

(No. 186.)

COPY of a DESPATCH from Lord GLENELG to Sir GEORGE ARTHUR, K.C.H.

No. 29.
 Lord Glenelg
 to
 Sir G. Arthur,
 22d Dec. 1838.
 ———
 2744. 13 Dec.

Sir,
 WITH reference to your Despatch of the 31st October last, No. 81., I have the Honour to enclose to you herewith the Copy of a Letter from the Treasurer to the New England Company, on the Subject of the Land which they are anxious to obtain in Trust for the Indians in Upper Canada. This Letter is written, as you will observe, in answer to your Despatch, No. 81., a Copy of which I had communicated to the Company.

Downing Street, 22d December 1838.

I have, &c.
 (Signed) GLENELG.

Enclosure in No. 29.

Enclosure.
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Sir,
 The Letter I had the Honour of receiving from you, dated the 7th instant, the Receipt of which was acknowledged on the 8th instant, has been laid before the Committee of the New England Company. They request me to offer their sincere Regret at the distressing Causes which just now interrupt the particular Attention of Sir George Arthur to the Improvement of the Indians of the Six Nations, accompanied with their earnest Hope that a Return of Tranquillity and Comfort generally to the Province may soon enable him to resume a Pursuit in which it is very gratifying to them to observe His Excellency disposed to take so much Interest. On perusing the whole of the Copy, with which you have been so obliging as to favour them, of Sir George Arthur's Despatch, they derive further Gratification from perceiving, that, though Prudence may seem to direct for the present that the same Course should be pursued towards all who desire to take any Part in the Affairs of the Indians, let their Motives be what they may, Sir George Arthur is not insensible to the Difference between the plain and simple Objects of the New England Company, and the Designs, whatever they may be, of other Applicants. The New England Company are not instigated by fanatical Zeal to spread any peculiar

liar or exclusive Doctrines. The Direction contained in the Charter under which they act is general, "to instruct the Indians in the Knowledge of the true " and only God, and in the Protestant Religion." There is in the Constitution of the New England Company nothing of a Political Nature. They have no Pretensions to Authority, nor any Desire to obtain Power, by acquiring undue Influence over Tribes or Individuals. The only Return they look or hope for is an occasional Expression of Gratitude from some who may be benefited by their Exertions. Neither is the New England Company actuated by any mercenary Spirit; it forms no Part of their Business to farm or job in Land for Gain. They are not a mercantile nor an agricultural Company. The Purposes to which they are employing, and to which only they ever propose to employ, such Pieces of Land as have been or may at any Time be granted to them is, first to furnish a Home and the Means of living with some Comfort in very secluded Situations to the Missionaries and Teachers whose Services they require, and then to allot such Portions as may appear desirable for the teaching and practising the Indians in the Cultivation of the Soil, letting to each Individual, as Tenants at Will, but merely at a nominal Rent, a larger or smaller Extent, according to the Disposition each may manifest; thus endeavouring by Degrees to wean them from wandering Habits, and to induce them to adopt in Time the Industry and Regularity of civilized Life.

If Sir George Arthur will have the goodness to refer to the Letter of Mr. Busk, our late Governor, of the 24th August last, and to the Statement enclosed in it, he will perceive that the present Application of the New England Company should not properly be called an Application for a new Grant. It relates to Two Stations, the Glebe at the Mohawk Village, and that at Tuscorora. The former, consisting of 220 Acres, was in the Occupation for many Years of the Company's late Missionary, the Rev. Mr. Luger, and is now occupied by his Successor as Missionary of the Company, the Rev. Mr. Nellis. The Grant of this Glebe is to Trustees for the Accommodation of a Minister of the Church of England preaching to the Indians at the Mohawk Church. The Trustees were the Bishop of Quebec, the Archdeacon of York, the Company's late Missionary Mr. Luger, and others. Many of these being dead, what the Company are now applying for is not any Grant of new Land, but the Appointment of new Trustees. It is perfectly agreeable to all Parties that the Bishop of the Province for the Time being and the Archdeacon of York should form Two; and the Company think it reasonable, in consideration of the Money which they have spent and are spending in that Quarter, that the Number should be completed with the Names of their present Missionaries the Rev. Messrs. Nellis and Elliot, and that of their Lay Agent Mr. Richardson of Brantford. They have further suggested an Alteration in One or Two Clauses of this Grant, to render it more suitable to the present State of Things, which Alterations, having been submitted to Dr. Strachan the Archdeacon, and having received his Sanction and Concurrence, were, by the Direction of Sir Francis B. Head, transmitted to the Office of Mr. Joseph his Secretary, where they will no doubt now be found. The Case at Tuscorora is nearly the same. The Glebe in question there consists of Two small Parcels of Land, one of Seventeen Acres, on which Mr. Nellis built at his own Expense a Log House several Years ago, and resided in it for some Time. It is now used by the Company as a Dwelling for their Tuscorora Schoolmaster, paying Mr. Nellis a yearly Rent. On the other Parcel, which contains Thirty-three Acres, the Company have laid out upwards of 400*l.* in the Erection of a Frame House, in which their present Tuscorora Missionary is now residing. Both these Parcels, constituting together Fifty Acres, have been regularly surrendered to the Company by the Indians in Council; and the present Application of the Company is only that Sir George Arthur would be pleased under his Hand to confirm this Surrender. The Deed for that Purpose has been long prepared, and is lying in the Government House at Toronto, only waiting His Excellency's Signature. Near these Houses stands the new Tuscorora Church, which, the Indians having been encouraged to provide the Materials out of their own Woods, has recently been erected, and supplied with a Bell at the Expense of the New England Company.

The Committee further read in the Copy of the Despatch from Sir George Arthur, that it had been thought proper by that Gentleman to associate the

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No. 29.
Lord Glenelg
to
Sir G. Arthur,
22d Dec. 1839.

Enclosure.

No. 29.
 Lord Glenelg
 to
 Sir G. Arthur,
 22d Dec. 1838.

Enclosure.

Rev. Mr. O'Neil with Messrs. Nellis and Elliott, because these latter Gentlemen, though excellent Persons, had been long accustomed to see Things as they are. The Committee do not perhaps thoroughly understand what may be Sir G. Arthur's Intention by this Arrangement; but if, as they suppose, it is meant only to be a temporary Measure for the Purpose of procuring Sir George fuller Information respecting the State and Condition of the Indians, they trust it will prove to him quite satisfactory; and they are confident Messrs. Nellis and Elliott will consider it their Duty to enter cordially into his Views. The New England Company have also been anxious to inform themselves how Things actually were among the Indians at their different Stations, and for that Purpose last Year, prior to the Appointment of Messrs. Nellis and Elliott to their present Situations, sent over a Deputation to Canada. It was the Duty of these Deputies to ascertain accurately the Character and Qualifications of different Candidates for these Appointments, and to collect the fullest Information respecting the Situation and Circumstances of the Indians. The Company, satisfied with their Report, do not themselves feel the Want at present of further Investigation. The Representation which has been made has induced the New England Company to continue and extend their Exertions on the Grand River. If they cannot immediately comply with the Request of Lord Glenelg by establishing another Missionary amongst the Cayugas, it is not for Want of Inclination to adopt a Measure so recommended, and so congenial with their own Views, but because their Funds are at this Moment fully employed in other Quarters. They would look forward with greater Confidence to being able at some early Period to effect such an Arrangement could they see a fairer Prospect of procuring the Attendance of a sufficient Number of Indians on such a Mission. The Company are somewhat disheartened by finding themselves obliged for the present to shut up for Want of Scholars the Schoolhouses which they had built, and which were once well attended, at Onondaga and Cayuga. This Defection may have in part proceeded from the busy Interference of Methodists in the Neighbourhood, but they fear it is mainly to be attributed to Causes much more to be lamented. The Number of Indian Inhabitants on the lower Part of the Grand River has lately considerably decreased, owing to the Dams across the Grand River, for the Purpose of improving the Navigation, having flooded to a considerable Extent the bordering Lands, and introduced Agues and Fevers into Situations formerly healthy. Other Parts which the Indians used to frequent have been disturbed and intruded on by White Settlers improperly and illegally introduced, but whom no Prosecutions in the Courts of Upper Canada have yet been able to dislodge. Among the numerous Complaints and Petitions which Sir George Arthur states he has received from the Indians, there is certainly none entitled to more immediate and serious Attention than this Grievance, nor any Cause that militates so much against the Operations of every one who sincerely desires effectually to benefit the Indian Population.

The Committee hope that when Sir G. Arthur shall recover Leisure to pursue the Investigation he proposes, and to compare Things as they are with Things as they were some Time back, and as they would probably have been had no Instruction been imparted, he will be disposed to think more favourably of the Proportion between Expense and Improvement, though that is a Proportion which it is very difficult accurately to calculate, for the Progress of Improvement is always gradual, and amongst People so little accustomed to any Learning must naturally be slow. With the promised Sanction and Support of the Governor, there still seems no Reason to despair of ultimate Success. I must not omit to mention the Participation of the Committee in the Feelings of Gratitude which the Indians must entertain towards Sir G. Arthur for his judicious Kindness in the Arrangement he has made for supplying them with Medical Advice. The New England Company have heretofore paid considerable Sums for this Purpose, but it was found not easy to get the Indians to apply for Prescriptions at a sufficiently early Stage of their Disorders, nor could the prompt and punctual Attendance of the Gentlemen then practising in the Neighbourhood be always relied on. The Influence of Government, it is to be hoped, may overcome these Difficulties. For a still more important Kindness will the Indians be indebted to Sir G. Arthur, if his Authority can effect the rigid Execution of the Laws against the selling of spirituous Liquors to the
 Indians,

Indians, and check the Practice of Intoxication, that constantly harassing Source of Vexation, Mischief, and Wickedness.

Much Apology is felt to be due for encroaching so long on your Time with the Details of a Business which, especially in the present Situation of Canada, will be considered but of secondary Importance; but it seemed desirable to take an early Opportunity of stating explicitly all the Purposes and Pretensions of the New England Company, in the Hope of removing the Difficulty and Hesitation which might naturally arise on any Applications of that Company to the Government.

With much Respect, I am, &c.

Sir Geo. Grey, Bart.
&c. &c. &c.

JACOB H. BUSK.

No. 29.
Lord Glenelg
to
Sir G. Arthur,
22d Dec. 1838.
—
Enclosure.
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UPPER CANADA.

From SIR J. COLBORNE, SIR F. B. HEAD, and
SIR GEORGE ARTHUR.

No. 30.

No. 30.
Sir J. Colborne
to
Lord Glenelg,
22d Jan. 1836.

(No. 8.)
COPY of a DESPATCH from Sir J. COLBORNE, K.C.H., to Lord GLENELG.

My Lord, Toronto, 22d January 1836.

I CANNOT quit this Government without drawing your Lordship's Attention to the projected Establishment of the Indians of the Northern Shores of Lake Huron on the Great Manatoulin Island, which I have authorized, and which has already been partly carried into effect.

I request that your Lordship will give your Sanction for completing the Arrangements which have been determined upon, and that you will afford your utmost Protection to this important Undertaking, so well calculated, I hope, to confer the greatest Benefits on the Aborigines of that Part of the Province.

I have directed the Indian Presents, which were formerly issued at Amherstburg, to be distributed in future at the Great Manatoulin Island, whither the Indians have been directed to resort next Summer in order to receive them.

This Arrangement will, I hope, produce much Good, as the Indians will not have that Inducement to sell their Presents which they have hitherto had at Amherstburg and Detroit, and also as a Saving will eventually be effected.

Captain Anderson, the Indian Superintendent at Coldwater, together with a Missionary and Schoolmaster, will reside constantly at the Indian Station on the Manatoulin Island, and will endeavour to civilize the Tribes which may be attracted to place themselves under their Charge.

If this Project succeed, your Lordship may be assured, notwithstanding the Discussion in the House of Commons last Session, that all the Indian Tribes in Canada are collected in Villages, that Schools are instituted for their Benefit, and that they are placed under the Care of Persons interested in their Welfare. You will be glad to hear that few Cases of Intoxication now occur, except among the visiting Indians residing chiefly in the United States, who annually receive their Presents at Amherstburg, and that the Measure now proposed of issuing the Presents at Manatoulin Island will probably be the Means of rendering them sober.

In the annexed Statements your Lordship will see the Progress that has been made in the Indian Establishment under the Charge of Captain Anderson, and the State of the Indians on the Northern Shores of Lake Huron.

I have, &c.
(Signed) J. COLBORNE.

Enclosure. Coldwater, 24th September 1835.
May it please your Excellency,
In support of my recent Applications to your Excellency for further Assistance to the Indians, and particularly the Heathen Indians assembling on the North Shores of Lake Huron, I have the Honour to submit the following Observations on the Indian Establishments under my Care.

It is now Five Years since, by the Direction of your Excellency, I undertook the Settlement and Civilization of Three Tribes of Indians at Coldwater and the Narrows of Lake Simcoe, numbering about 500 Souls. The Tribe under the

the Chief John Aisance, and that of the Potaganasus under Chief Ashawgashel, were fixed at Coldwater, whilst the Tribe under Chief Yellowhead were settled at the Narrows.

It will be necessary to look at the past Condition of these People and compare it with the present. Many anxious Friends of the Indians occasionally express Disappointment that greater Progress has not been made; and to every one it must be Matter of Regret, that Instances occur of individual Misconduct, which create Doubts as to the Propriety of interfering to amend their Condition.

It is only therefore by keeping in view their actual State before Measures were taken to assist their Civilization, that any fair Estimate can be formed of the Advantages or Disadvantages of those Measures. I have also to urge that it may be borne in Mind that much Opposition has continually arisen from the Necessity of mixing different religious Persuasions.

Prior to the Year 1830 these Tribes had become much demoralized from their long Residence near White Settlements.

They were in the constant habit of drinking spirituous Liquors to excess; not one of them could read or write; and they scarcely knew any thing of Religion.

Their Hunting Grounds were exhausted, their Government Presents were exchanged for Whiskey, they were in Debt to all the Traders, and unable to obtain more Credit, and thus were constantly in a State bordering on Starvation.

Their Suffering and Misery were strongly marked in their personal Appearance and the Condition of their Wigwams; the latter, imperfectly made, and very insufficiently supplied with Fuel, could scarcely be said to afford Shelter to the ragged and emaciated Frames of the elder Indians, whilst the wretchedly diseased Appearance of the Children spoke still more forcibly of the Intoxication and Want of Food of the Parents.

Miserable as was their State, it will hardly be credited that their Minds were so debased, their Listlessness and Lethargy so great, that it required considerable Persuasion to prevail on them to accept the Bounty of Government.

By studious Attention to their Habits and Prejudices, they were at length gradually brought to assist, and the general Result has been that each Indian with a Family has now a little Farm under Cultivation, in which he raises not only Potatoes and Indian Corn, but also Wheat, Oats, Pease, &c.; his Wigwam is exchanged for the Log House; hunting has in many Cases been altogether abandoned, and in none appears, as formerly, to be resorted to as the only Means of Subsistence.

Habitual Intoxication is unknown, the Sabbath is carefully observed, their Religious Duties carefully attended to, and Reading and Writing, with a moderate Knowledge of Arithmetic, is almost universal among the young People.

I attach great Importance to their Habits of Drunkenness being overcome. At the first it was necessary to prohibit the bringing of Spirits within the Bounds of the Settlement; the near Approach of the White Settlers has rendered this Restriction no longer possible, and yet Instances of Intoxication are very seldom met with, whilst numerous Examples may be brought forward of total Abstinence from ardent Spirits.

The Log Dwelling Houses for the Indians were erected by Government. Frame Houses for the Superintendent and the Two Chiefs, Aisance and Yellowhead, with Schoolhouses at Coldwater and the Narrows, were also built at the Commencement of the Establishment. Since that Time a Saw Mill and a Grist Mill have been added at Coldwater, and a Saw Mill is in Progress at the Narrows. About 500 Acres in the whole have been cleared and are under Cultivation, and it is very gratifying to observe this Year that many of the Indians are, of their own Accord, and unassisted, erecting Log Barns and Stables.

Another strong Mark of Amendment is in the Article of Dress. All the Indians here, compared with Indians in a wild State, are well clothed, and have in most Instances abandoned the Indian Dress for that of their White Neighbours. They have also become anxious to possess Furniture, and some have exercised their Ingenuity in the Manufacture of Articles of Household Furniture for themselves. All have advanced to a Knowledge of the Difference between Barter and Cash Transactions, the main Source of Imposition by the

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Trader;

No. 30.
Sir J. Colborne
to
Lord Glenelg,
22d Jan. 1836.

Enclosure.

No. 30.
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Enclosure.

Trader ; and they are alive to the Advantages of pursuing their Fishing in the Fall as a Source of Profit, and not merely for their own Food. To enable them to do this more extensively they have built for themselves Two Batteaux, each capable of holding Forty or Fifty Barrels of Fish.

I must not omit what I consider highly in their Praise, that, although obliged frequently to submit to irritating and extremely unjust Treatment on the Part of the neighbouring White Settlers, no Indian has, during the whole Period of my Superintendence, been complained of for any Breach of the Laws, with one solitary Exception, for the Removal of Part of a Fence, and that done in Ignorance.

Every Indian throughout the Settlement is possessed of the Means, with moderate Industry, of providing himself with an ample Supply of Food and Clothing, and he has acquired sufficient Knowledge of the Arts of civilized Life to avail himself of these Advantages ; the Minds of the younger Branches are opened by Education, and Religion has fixed itself upon the Attention of all.

Can it then be said, because a few Individuals still pursue their Winter's Hunt, because others are idle, and have done little towards extending the Clearings on their Farms, or because some still give way to the Temptations of the Whiskey Bottle, that nothing has been done ? Far from it ; the Prospect is a very cheering one, and if the innumerable Obstacles thrown in the Way of this Settlement be taken into account, this Experiment will appear incontestably to prove, that the Indian, under proper Treatment, is capable of being weaned from his savage Life, and of being made, under the Blessing of the Almighty, a good Member of the Church of Christ, and a dutiful and loyal Subject.

I come now to consider another Good which appears to have resulted from this Establishment, and which, being connected with a more enlarged, and in my View more important Subject, I have reserved. Hitherto the Measures of Government have been applied to the Civilization of Indians within the settled Territory. Of late Years the Distribution of Presents at Penetanguishine has brought to the Vicinity of Coldwater many of the more distant Tribes, and their Visits to the Settlement have been frequent ; they have witnessed the Advantages of their civilized Friends, and Applications to have the same Assistance extended to them have been frequent.

Let us now look at the Situation of these Indians.

The British Nation has long been accustomed to call and treat the Indians of North America as her Children. In these there has been manifest Justice as well as Advantage to the Indian ; his Situation has been precisely that of an Infant requiring a Guardian, and his Advantages have been in proportion to the Honesty of his Trustee.

During the War the Indians were made use of, and, by their firm Attachment and Exertions at that Period, earned their Reward, which was indeed promised to them by the then Commander in Chief in the Name of the Government.

On the Cessation of Hostilities many of the Tribes that fought on the British Side were obliged to continue on their Lands in the Territory of the United States, but have continued annually to come for their Presents, and express their Loyalty.

These Presents have been annually distributed in accordance with the Promise of the Commander in Chief, and the Government have probably rested in the Belief that all that could be required at their Hands was thus satisfied.

Most important Changes have taken place since the War throughout the British as well as the United States Territory ; the Indian Lands have been encroached upon, it is true, not without Payment, but that Payment has been that of a careful and prudent worldly Man making a Bargain with an improvident Spendthrift.

In the United States less Delicacy has been shown. There the Indians have been spoken of as a Herd of wild Beasts, and to drive them West of the Mississippi has been openly avowed as the Policy of the Government.

But in neither Case has complete Justice been done. The only Excuse that can be offered for the British is, their Ignorance of the Situation of these her Subjects and Allies ; Ignorance so great, that I believe in England it is not known whether the Indian Country contains Thousands or Millions of British Subjects,

Subjects, for such the Indians of Canada and the Hudson's Bay Territory undoubtedly are.

Of late Years the great Exertions made by the Authorities in Canada have tended much to ameliorate the Condition of the Indians living in the settled Parts of the Country. More is now required to be done. Tribes of our Indian Allies are driven from the United States Territory, and are claiming your Protection. Some of the Indians within the British Territory are starving in consequence of the Game being killed, or having deserted their Hunting Grounds; and the Exertions of those intermixed with the Whites are rendered less availing from the unavoidable Jealousies and Irritations of their Situation.* It is natural that the original Proprietor of the Soil should feel his being compelled to severe, because unaccustomed, Labour as somewhat degrading, and this Feeling cannot fail to be exasperated by immediate Contact with the White Settlers. Added to this, the Whites still continue to make use of Spirits to lead the ignorant Indian to barter away those Things which are required for the Support of himself and his Family, and even to dispose of the Presents of Clothing received from the Government, which are essential to preserve him from the Effects of the Climate; and this Practice is more anxiously pursued as the Trader perceives the Impositions of his Trade being put an end to by the advancing Knowledge of the Indian.

If concentrated and civilized, the Indian Nations would be useful and loyal Subjects during Peace, and in the Event of War might become an important Support to the Government. Our Indian Allies emigrating from the United States, and seeking our Protection, as well as the British Indian whose Means of Subsistence are exhausted, have Claims on our Humanity, which would be most easily satisfied by forming one extensive Establishment for the Purpose of leading them to the Exercise of the Arts of civilized Life.

The Manatoulin, an Island on the North Side of Lake Huron, in Extent about 100 Miles by Thirty, appears to be the most suitable for the Purpose. Its immediate Vicinity to the present Lands of the Indians will induce them to make the Change without Difficulty. The Land is good, it is well watered by Rivers and interior Lakes, and its numerous Bays abound in Fish. All these are important Considerations, for the Indian cannot be expected all at once to change his Habits of Life. This must, with every Nation, be a lingering Operation. We can easily conceive how long a Time it would take a White Man to change his Mode of Life to that of the Indian, to acquire the Arts of Canoe and Wigwam Building, to fish and hunt, and above all to put up with the Abstinence from Food to which the Hunter is continually exposed. The Indian has, if possible, greater Difficulty to contend with. He had formerly only to walk out of his Wigwam to obtain his Food; as a Farmer he must bestow great Labour in cultivating the Ground and sowing his Seed, and has then Six Months to wait for the Produce.

His Civilization must therefore be gradual, and fishing must be continued for a few Years. On this Account the Situation is an important one.

In Matters of Religion the Indians are every where seeking Information. Christianity imposes on us a serious Obligation to cherish this Desire.

I have, as your Excellency is aware, been long resident among the Indians, and few Persons have had greater Opportunities of observing their Character. I trust, therefore, I shall not be considered impertinent in expressing my Opinion that the Indians are not a degraded Race; all the higher Attributes are possessed by them; their Minds are strong, their imaginative Powers highly fertile, their Morals in their natural State are pure.

The Indian wants Instruction. He every where appreciates the Superiority of the Whites in possessing the Arts of Reading and Writing. He earnestly begs for the Benefits of Education.

With the Knowledge of all these Facts constantly before me, and impressed with the Conviction that it was necessary to take some immediate Steps for the

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* The Indians, who feel that they were original Lords of the Soil, and that the Whites have gradually got Possession of the finest Part of the Country from them, are fearful that they will ultimately drive them from the Farms which they now occupy at Coldwater; therefore, if a White crosses their Fields, or is seen to cut even a small Tree on their Land, it is considered a Step towards that Object, and this keeps them in a constant State of Uneasiness and Uncertainty whether to exert themselves or not.

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Civilization of the Indians, as well as to prevent the total Extinction of their Race, I was induced to suggest a Plan for their complete Settlement on the Manatoulin Island, which may be carried into effect by an annual Expenditure of small Amount.

I sincerely hope that the benevolent Exertions your Excellency has hitherto made for the Benefit of the poor Indians may be continued, and that the Home Government will be induced to afford you the Means of extending them.

I have, &c.
(Signed) T. G. ANDERSON.
S. I. A.

No. 31.

No. 31.
Sir F. B. Head
to
Lord Glenelg,
20th August 1836.

(No. 70.)

COPY of a DESPATCH from Sir F. B. HEAD, K. C. H., to Lord GLENELG.

My Lord,

Toronto, 20th August 1836.

YOUR Lordship is aware that my Predecessor, Sir John Colborne, with a view to civilize and christianize the Indians who inhabit the Country North of Lake Huron, made Arrangements for erecting certain Buildings on the Great Manatoulin Island, and for delivering on this Spot, to the visiting Indians, their Presents for the present Year.

The Instructions which I received from your Lordship to counteract or defer these Arrangements reached me too late to be acted upon; and it being impracticable to promulgate to the Indians that they were not to assemble there, I determined to proceed to the Island and attend the Meeting.

I was Five Days going there in a Canoe, and during that Period, as well as during my Return, had an Opportunity of meandering through and living upon the Islands which are on the North Shore of Lake Huron, and which exceed in Number 23,000!

Although formed of Granite, they are covered with various Trees growing in the Interstices of the Rock, and with several Descriptions of Berries, upon which Indians feed; the surrounding Waters abound in Fish.

On arriving at the Great Manatoulin Island, where I was received by 1,500 Indians who had assembled for their Presents, I found that this Island, as well as those I had mentioned, belong (under the Crown) to the Chippawa and Ottawa Indians, and that it would therefore be necessary to obtain their Permission before we could avail ourselves of them for the Benefit of other Tribes.

Although I did not approve of the Responsibility as well as the Expense of attracting, as had been proposed, the wild Indians from the Country North of Lake Huron to Manatoulin; yet it was evident to me that we should reap a very great Benefit, if we could persuade those Indians, who are now impeding the Progress of Civilization in Upper Canada, to resort to a Place possessing the double Advantage of being admirably adapted to *them* (inasmuch as it affords Fishing, Hunting, Bird-shooting, and Fruit), and yet in no Way adapted to the White Population. Many Indians have long been in the habit of living in their Canoes among these Islands, and from them, from every Inquiry I could make, and from my own Observation, I felt convinced that a vast Benefit would be conferred both upon the Indians and the Province by prevailing upon them to migrate to this Place.

I accordingly explained my Views in private Interviews which I had with the Chiefs, and I then appointed a Grand Council at which they should all assemble to discuss the Subject, and deliberately to declare their Opinions.

When the Day arrived I addressed them at some Length, and explained to them, as clearly as I was able, their real Interests, to which I found them very sensibly alive. The Indians had previously assembled to deliberate upon the Subject, and had appointed one of their greatest Orators to reply to me.

The Individual selected was Sigonah (the Blackbird), celebrated among them for having on many public Occasions spoken without once stopping from Sunrise till Sunset.

Nothing

Nothing could be more satisfactory than the calm deliberate Manner in which the Chief gave, in the Name of the Great Ottawa Tribe, his entire Approval of my Projects; and as the Chippawas and Ottawas thus consented to give up the Twenty-three thousand Islands, and as the Saugins also consented to give up a Million and a Half of Acres, adjoining the Lands of the Canada Company, I thought it advisable that a short plain Memorandum should be drawn up, explanatory of the foregoing Arrangements, to be signed by the Chiefs while in Council, and witnessed by the Church of England, Catholic, and Methodist Clergymen who were present, as well as by the several Officers of His Majesty's Government.

No. 31.
Sir F. B. Head
to
Lord Glenelg,
20th August 1836.

I enclose to your Lordship a Copy of this most important Document, which, with a Wampum attached to it, was executed in Duplicate; one Copy remaining with me, the other being deposited with a Chief selected by the various Tribes for that Purpose.

Your Lordship will at once perceive that the Document is not in legal Form, but our Dealings with the Indians have been only in Equity; and I was therefore anxious to show that the Transaction had been equitably explained to them.

The Surrender of the Saugin Territory has long been a Desideratum in the Province, and it is now especially important, as it will appear to be the first Fruits of the political Tranquillity which has been attained.

I feel confident that the Indians, when settled by us in the Manner I have detailed, will be better off than they were; that the Position they will occupy can bonâ fide be fortified against the Encroachments of the Whites; while, on the other hand, there can be no Doubt that the Acquisition of their vast and fertile Territory will be hailed with Joy by the whole Province.

I have, &c.
(Signed) F. B. HEAD.

Enclosure in No. 31.

(Seal of Sir F. B. Head, and the Wampum.)

My Children,

Seventy Snow Seasons have now passed away since we met in Council at the Crooked Place (Niagara), at which Time and Place your Great Father the King and the Indians of North America tied their Hands together by the Wampum of Friendship.

Enclosure.

Since that Period various Circumstances have occurred to separate from your Great Father many of his Red Children, and as an unavoidable Increase of White Population, as well as the Progress of Cultivation, have had the natural Effect of impoverishing your Hunting Grounds, it has become necessary that new Arrangements should be entered into for the Purpose of protecting you from the Encroachments of the Whites.

In all Parts of the World Farmers seek for uncultivated Land as eagerly as you my Red Children hunt in your great Forest for Game. If you would cultivate your Land it would then be considered your own Property in the same Way as your Dogs are considered among yourselves to belong to those who have reared them; but uncultivated Land is like wild Animals, and your Great Father, who has hitherto protected you, has now great Difficulty in securing it for you from the Whites, who are hunting to cultivate it.

Under these Circumstances I have been obliged to consider what is best to be done for the Red Children of the Forest, and I now tell you my Thoughts.

It appears that these Islands, in which we are now assembled in Council, are, as well as all those on the North Shore of Lake Huron, alike claimed by the English, the Ottawas, and the Chippawas.

I consider, that from their Facilities, and from their being surrounded by innumerable Fishing Islands, they might be made a most desirable Place of Residence for many Indians who wish to be civilized as well as to be totally separated from the Whites; and I now tell you that your Great Father will withdraw his Claim to these Islands, and allow them to be applied for that Purpose.

Are you therefore, the Ottawas and Chippawas, willing to relinquish your respective Claims to these Islands, and make them the Property (under your Great

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20th August 1836.

Enclosure.

Great Father's Control) of all Indians whom he shall allow to reside on them ?
If so, affix your Marks to this my Proposal.

(Signed)	J. B. ASSEKINACK. MOKOMMINOCK. WAWARPHACK. KIMOWM. KITCHEMOKOMOU. PEGA ATA WICH. PAIM AUSIGAI. NAIMAWMUTTEBE.	(Signed) F. B. HEAD. MOSUWEKO. KEWUCKANCE. SHAWENAUSAWAY. ESPANIOLE. SNAKE. PANTAUSEWAY. PARMAUGUMESH CUM. WAGAUMAUGUIN.
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My Children,
To the Saukings.
You have heard the Proposal I have just made to the Chippawas and Ottawas, by which it has been agreed between them and your Great Father that these Islands (Manatoulin), on which we are now assembled in Council, should be made the Property (under your Great Father's Controul) of all Indians whom he shall allow to reside on them.
I now propose to you that you should surrender to your Great Father the Sauking Territory you at present occupy, and that you should repair either to this Island or to that Part of your Territory which lies in the North of Owen's Sound, upon which proper Houses shall be built for you, and proper Assistance given to enable you to become civilized and to cultivate Land, which your Great Father engages for ever to protect for you from the Encroachments of the Whites.
Are you therefore, the Sauking Indians, willing to accede to this Arrangement? If so, affix your Marks to this my Proposal.

(Signed)	KAGUTA. MATIEWABE. ALESCANDRE.	(Signed) F. B. HEAD. CRENEVIREM. KONQUAWIS. MAT TWAUSH.
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Witness,
J. G. ANDERDON, S. I. A.
JOSEPH STINSON, General Superintendent of Wesleyan Missionary Society.
ADAM ELLIOT.
JAMES EVANE.
J. L. INGALL, Lieutenant 15th Regiment, commanding Detachment.
H. W. FIELDS, D. A. C. General.

Manatowanning, 9th August 1836.

No. 32.

(No. 95.)

No. 32.
Sir F. B. Head
to
Lord Glenelg,
20th Nov. 1836.

COPY of a DESPATCH from Sir F. B. HEAD, K. C. H., to Lord GLENELG.

My Lord,
Toronto, Upper Canada, 20th November 1836.
As the Object of this Communication is to endeavour to supply your Lordship with the Information respecting the Indians and the Indian Department, required by your Lordship's Despatch No. 12, I feel it may be satisfactory that I should commence by explaining what Opportunities I have had of forming the Opinion I am about to offer on the Subject.
I have therefore the Honour to state to your Lordship, that I attended the annual Delivery of Presents to the visiting Indians at Amherstburg, as also that which took place for the first Time at the Great Manatoulin Island in Lake Huron.
During my inspectional Tour of the Province I also visited (with One or Two trifling Exceptions) the whole of the Indian Settlements in Upper Canada, and in doing so made it my Duty to enter every Shanty or Cottage, being desirous to judge with my own Eyes of the actual Situation of that Portion of the Indian Population which is undergoing the Operation of being civilized.

I have

I have had a slight Opportunity of making myself acquainted with the Indian Character in South America, and from the above Data I have now the Honour to transmit to your Lordship the following Observations on the Subject.

No. 32.
Sir F. B. Head
to
Lord Glenelg,
20th Nov. 1836.

MEMORANDUM.

The Fate of the Red Inhabitants of America, the real Proprietors of its Soil, is, without any Exception, the most sinful Story recorded in the History of the Human Race; and when one reflects upon the Anguish they have suffered from our Hands, and the Cruelties and Injustice they have endured, the Mind, accustomed to its own Vices, is lost in utter Astonishment at finding, that in the Red Man's Heart there exists no Sentiment of Animosity against us, no Feeling of Revenge; on the contrary, that our Appearance at the humble Portal of his Wigwam is to this Hour a Subject of unusual Joy; if the White Man be lost in the Forest, his Cry of Distress will call the most eager Hunter from his Game; and among the Tribe there is not only Pleasure but Pride in contending with each other who shall be the first to render Assistance and Food.

So long as we were obtaining Possession of their Country by open Violence, the fatal Result of the unequal Contest was but too easily understood; but now that we have succeeded in exterminating their Race from vast Regions of Land, where nothing in the present Day remains of the poor Indian but the unnoticed Bones of his Ancestors, it seems inexplicable how it should happen, that even where the Race barely lingers in existence, it should still continue to wither, droop, and vanish before us like Grass in the Progress of the Forest in Flames. "The Red Men," lately exclaimed a celebrated Maimi Cacique, "are melting like Snow before the Sun!"

Whenever and wherever the Two Races come into contact with each other it is sure to prove fatal to the Red Man. However bravely for a short Time he may resist our Bayonets and our Fire-arms, sooner or later he is called upon by Death to submit to his Decree; if we stretch forth the Hand of Friendship, the liquid Fire it offers him to drink proves still more destructive than our Wrath; and lastly, if we attempt to christianize the Indians, and for that sacred Object congregate them in Villages of substantial Log-houses, lovely and beautiful as such a Theory appears, it is an undeniable Fact, to which unhesitatingly I add my humble Testimony, that as soon as the Hunting Season commences, the Men (from warm Clothes and warm housing having lost their Hardihood) perish, or rather rot, in Numbers, by Consumption; while, as regards their Women, it is impossible for any accurate Observer to refrain from remarking, that Civilization, in spite of the pure, honest, and unremitting Zeal of our Missionaries, by some accursed Process has blanched their Babies Faces. In short, our Philanthropy, like our Friendship, has failed in its Professions; producing Deaths by Consumption, it has more than decimated its Followers; and under the Pretence of eradicating from the Female Heart the Errors of a Pagan's Creed it has implanted in their Stead the Germs of Christian Guilt.

What is the Reason of all this? Why the simple Virtues of the Red Aborigines of America should under all Circumstances fade before the Vices and Cruelty of the old World is a Problem which no one among us is competent to solve; the Dispensation is as mysterious as its Object is inscrutable. I have merely mentioned the Facts, because I feel that before the Subject of the Indians in Upper Canada can be fairly considered it is necessary to refute the Idea which so generally exists in England about the Success which has attended the christianizing and civilizing of the Indians; whereas I firmly believe every Person of sound Mind in this Country who is disinterested in their Conversion, and who is acquainted with the Indian Character, will agree,—

1. That an Attempt to make Farmers of the Red Men has been, generally speaking, a complete Failure;
2. That congregating them for the Purpose of Civilization has implanted many more Vices than it has eradicated; and, consequently,
3. That the greatest Kindness we can perform towards these intelligent, simple-minded People, is to remove and fortify them as much as possible from all Communication with the Whites.

Having concluded the few preparatory Observations I was desirous to make, I will now proceed to state what Negotiations I have already entered into with
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Sir F. B. Head
to
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the Indians, and what is my humble Opinion of the Course we should adopt, as regards their Presents, and the Expenses of the Indian Departments.

1. At the Great Manatoulin Island in Lake Huron, where I found about 1,500 Indians of various Tribes assembled for their Presents, the Chippewas and the Ottawas, at a great Council held expressly for the Purpose, formally made over to me 23,000 Islands. The Saugeen Indians also voluntarily surrendered to me a Million and a Half Acres of the very richest Land in Upper Canada. (For the Details attending these Surrenders, see my Despatch to your Lordship No. 70.)

On proceeding to Amherstburg, I assembled the Hurons, who occupy in that Neighbourhood a Hunting Ground of rich Land of Six Miles Square, Two Thirds of which they surrendered to me, on condition that One of the said Two Thirds should be sold, and the Proceeds thereof invested for their Benefit.

The Moravian Indians, with whom I had also an Interview, have likewise agreed, for an Annuity of £150, to surrender to me about Six Miles Square of black rich Land, situated on the Banks of the Thames River.

I need hardly observe, that I have thus obtained for His Majesty's Government, from the Indians, an immense Portion of most valuable Land, which will undoubtedly produce, at no remote Period, more than sufficient to defray the whole of the Expenses of the Indians and Indian Department in this Province.

On the other Hand, as regards *their* Interests, my Despatch No. 70. will explain the Arguments I used in advising them to retire or fall back upon the Manatoulin and other Islands in Lake Huron, the Locality being admirably adapted for supporting them, but not for White Men. Still it may appear that the Arrangement was not advantageous to the Indians, because it was of such Benefit to us; but it must always be kept in Mind, that however useful rich Land may be to *us*, yet its only Value to an Indian consists in the Game it contains: he is in fact Lord of the Manor, but it is against his Nature to cultivate the Soil. He has neither Right nor Power to sell it. As soon therefore as his Game is frightened away, or its Influx or Immigration cut off by the surrounding Settlements of the Whites, his Land, however rich it may be, becomes a "rudis indigestaque moles" of little Value or Importance, and in this State much of the Indian Property in Upper Canada at present exists.

For instance, I found Sixteen or Eighteen Families of Moravian Indians living on a vast Tract of rich Land, yet from Absence of Game almost destitute of every Thing; several of the Men drunk; nearly all their Children Half-castes; the high Road through their Territory almost impassable; the White Population execrating their Indolence, and entreating to be relieved from the Stagnation of a Block of rich Land, which separated them from their Markets as completely as if it had been a Desert.

The above Picture (which is a very common one) will, I think, sufficiently show, that however desirous one may be to protect the Indians, and I hope no one feels for them more deeply than myself, yet, practically speaking, the greatest Kindness we can do them is to induce them, as I have done, to retreat before what they may justly term the accursed Progress of Civilization; for, as I have stated, the Instant they are surrounded by the White Population, "*the Age of their Chivalry has fled!*"

The Lieutenant Governor of the Province may protect them from open Violence; but neither he nor any other Authority on Earth can prevent the Combination of petty Vices, which, as I have already explained, are as fatal in their Operation as the Bayonet itself.

It is impossible to teach the Indian to beware of the White Man; for it seems to be the Instinct of his untutored Nature to look upon him as his Friend. In short, his Simplicity is his Ruin; and though he can entrap and conquer every wild Beast in his Forest, yet invariably he becomes himself the Prey of his White Brother!

For the foregoing Reasons, I am decidedly of opinion that His Majesty's Government should continue to advise the few remaining Indians who are lingering in Upper Canada to retire upon the Manatoulin and other Islands in Lake Huron, or elsewhere towards the North-west.

Your Lordship has informed me, that the Committee of the House of Commons on Military Expenditure in the Colonies are of opinion that the
Indian

Indian Department may be greatly reduced, if not altogether abolished, and they therefore call the Attention of the House to the same, and also to the Expense of Articles annually distributed to the Indians, and whether any Arrangement may not be made to dispense with such Distributions in future, or to commute the Presents for Money."

As it is your Lordship's Desire that I should afford you as much Information as possible on the above Suggestions, I will now respectfully endeavour to do so.

The Presents which the British Government has been in the habit of granting to the Indians in Upper Canada have been delivered to Two Classes, termed "the Resident" and "the Visiting," whose Numbers this Year were as follows :

Number of Indians <i>resident</i> in Upper Canada	-	-	-	6,507
Average Number of Ditto who in order to receive Presents from the British Government annually visit Upper Canada from the United States	-	-	-	3,270
(Total Average Annual Cost of Presents issued as above)	-	-	-	£8,500

It certainly appears to me very desirable indeed that we should, if possible, discontinue the Practice of giving Presents to that Portion of the Visiting Indians who reside in the Territory of the neighbouring States ; but what is desirable is not always just, and it is therefore necessary, before the Project be carried into effect, that we should consider what Arguments exist for as well as against it.

In its Favour it may be stated :

- 1st, That we should save an annual Expenditure of, say 4,000*l*.
- 2d, That, according to common Laws among Nations, there appears to be no Reason why, having lost all Dominion over and Interest in the United States, we should continue to make annual Payments to any Portion of its Inhabitants.
- 3d, That it amounts almost to an Act of Hostility for the British Government to continue to give Guns, Powder, and Ball to the Indians of the United States, with whom that People are at this Moment engaged in Civil War.
- 4th, That a considerable Portion of the Presents which we give to the Indians are shortly after their Delivery to be seen displayed for Sale by the Shopkeepers of the United States, who often obtain them almost for nothing.

In reply to the First Objection, namely, "that by withholding the Presents we should save an annual Expenditure of 4,000*l*," it may be stated, that of all the Money which has ever been expended by the British Government there is perhaps no Sum which ought to be less regretted than that which we have hitherto bestowed upon the Aborigines of America. It has purchased for us the Blessing of their Race ; they love us ; they have shed their Blood for us ; they would do so again ; they look upon us as the only just and merciful Inhabitants of the Old World ; and impressed with these Feelings their Attachment to our Sovereign amounts almost to Veneration : "*When we see the Sun rise in the East,*" said a Warrior to me at the Great Council at the Manatoulin Island, "*it is our Custom to say to our young Men, there is our Great Father ; he warms us, he clothes us, he gives us all we desire.*"

There can be no Doubt, that up to the present Page in the History of the British Empire we have acted well towards the Indians. What that Reflection may intrinsically be worth it is not so easy to determine, as every Man will perhaps estimate it differently ; however, its moral Value, whatever it may be, should be deducted from the Expense of which we complain ; for we cannot enjoy both Advantages ; if we save the latter we must lose the former.

In reply to the Second Objection, namely, "that according to common Laws among Nations there appears to be no Reason why, having lost all Dominion over and Interest in the United States, we should continue to make annual Payments to any Portion of its Inhabitants," it must be recollected that in our Wars with the Americans we gladly availed ourselves of the Services of the Indians, whom invariably we promised we would never desert. In these

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Promises we made no Restriction whatever as to Domicile ; when the Tribes joined us, we never waited to ask them whence they came ; at the Close of the War, when their surviving Warriors left us, we never prescribed to them where they should go.

It will be asked, in what Way were these our Promises made ? It is difficult to reply to this Question, as it involves the Character of the Indian Race.

An Indian's Word, when it is formally pledged, is one of the strongest moral Securities on Earth ; like the Rainbow it beams unbroken when all beneath is threatened with Annihilation. The most solemn Form in which an Indian pledges his Word is by the Delivery of a Wampum Belt of Shells ; and when the Purport of this Symbol is once declared, it is remembered and handed down from Father to Son with an Accuracy and Retention of Meaning which is quite extraordinary.

Whenever the Belt is produced every minute Circumstance which attended its Delivery seems instantly to be brought to Life ; and such is the singular Effect produced on the Indian's Mind by this Talisman, that it is common for him, whom we term "*the Savage*," to shed Tears at the Sight of a Wampum which has accompanied a Message from his Friend.

I have mentioned these Facts because they will explain the confident Reliance the Indians place on the Promises which, accompanied by the Delivery of Wampums, were made to them by our Generals during and at the Conclusion of the American Wars. These rude Ceremonies had probably little Effect upon our Officers, but they sank deep in the Minds of the Indians. The Wampums thus given have been preserved, and are now intrusted to the Keeping of the great Orator Sigonah, who was present at the Council I attended on the Manatoulin Island in Lake Huron ; and in every Sense these Hieroglyphics are moral Affidavits of the by-gone Transactions to which they relate. On our Part little or nothing documentary exists ; the Promises which were made, whatever they might have been, were almost invariably verbal ; those who expressed them are now mouldering in their Graves.

However, the regular Delivery of the Presents proves and corroborates the Testimony of the Wampums ; and by whatever Sophistry we might deceive ourselves, we could never succeed in explaining to the Indians of the United States that their Great Father was justified in deserting them.

To the Third and Fourth Objections I have nothing to reply, for I must say I think the Americans have Reason for the Jealousy they express at the British Government interfering, by positively arming their own Indians, with whom they are at war, with English Guns, Powder, and Ball. I also cannot deny that a great Proportion of the Presents we give to the American Indians form a Tribute which we annually pay to the Shopkeepers of the United States.

Having endeavoured, as fairly as possible, to explain the Arguments on both Sides, I now beg leave to state, that after having given the Subject considerable Reflection, I am of opinion that to the Visiting Indians of the United States we cannot, without a Breach of Faith, directly refuse to continue the Presents which, by the Word of our Generals, we have promised, and which by long Custom we have sanctioned ; but observing that the Minds of these People were wide open to reasonable Conviction, it occurred to me, that it would not be difficult to explain to them that their Great Father was still willing to continue Presents to such of his Red Children as lived in his own Land, but that, in Justice to the Americans, who are now our Allies, he could not arm against them those Indians who should continue to reside in the Territory of the United States, and, consequently, that after the Expiration of Three Years Presents would only be given to those of our Red Children who actually shall inhabit the Canadas.

I did not formally make this Declaration at the Great Council at the Manatoulin Island, but it was sufficiently hinted to them to be clearly understood, and, as far as I could learn, and have since learned, it was received without Disapprobation.

I would therefore recommend that this Declaration should be formally announced at the next Delivery of Presents. The Indians in the United States would thus have plenty of Time to prepare for the Change, which I feel quite confident would end by our being released honourably and altogether from an Engagement which I certainly think we have maintained long enough, to reward liberally the United States Indians for the Services they rendered us during

during the War; indeed there can be no Doubt that we have treated their Warriors infinitely better than we have behaved to our own Veterans, who, blind, wounded, mutilated, helpless, and miserable, are at this Moment wandering in the great Bush or Wilderness of Canada, regretting the Hour that they ever improvidently commuted with the British Government their hard-earned Pensions.

I do not think the Indians of the United States could or would complain of the above Arrangement; and I feel certain, that though a few would at first probably immigrate to Canada, they would not long remain there.

For many Reasons which it would be tedious to your Lordship that I should detail, I would recommend that the Presents to the Visiting Indians should for the Three Years be delivered at the Manatoulin Island only. The Expense of forwarding the Presents to that Spot, though less than to the old Place of Delivery (Drummond Island), is greater than at Penetanguishine and Amherstburg, but as only those who are really in want of their Presents would come to Manatoulin, we should gain, as indeed this Year we *did* gain, by that Arrangement, infinitely more than the Difference in the Expense of Transport.

In a Memorandum I received on the 16th July last from Mr. Commissary General Routh, many of whose Suggestions I have effected, that Gentleman, not anticipating the Recommendation I have now made for the ultimate Discontinuance of Presents to the American Indians, proposed to diminish their Expense by substituting Strouds instead of Cloth, and by withholding Powder, Ball, and Shot.

Every Person with whom I have consulted is of opinion that the latter Privation would be most severely felt by the Indian Hunter, who lives by his Gun; however, I feel confident that Mr. Routh himself will agree with me in Opinion, that if the Presents to all Indians residing in the United States are, as I propose, to be totally discontinued at so early a Period as the Expiration of Three Years, it would be unnecessary, unadvisable, and ungenerous to make any Deduction from the Pittance or Gratuity which is so shortly to be withheld.

Your Lordship is aware that considerable Expenses for building, &c. were incurred at the Manatoulin Island this Year, but the Arrangement was made by Sir John Colborne before I arrived here, and it was too late for me to alter it; however, as soon as I got there, I put a stop to all that was doing, and discharged every Person who had been engaged.

Having disposed of at least One Third Part of the Indian Presents and the Expense of their Delivery, I certainly respectfully recommend that we should continue to deliver them to those few Indians who continue to inhabit Upper Canada.

I have already stated that this Expense will shortly be defrayed altogether by the Sale of the Lands they have this Year liberally surrendered to me; and even if that were not to be the Case, I do think, that, enjoying as we do Possession of this noble Province, it is our bounden Duty to consider as Heirlooms the Wreck of that simple-minded, ill-fated Race, which, as I have already stated, is daily and yearly fading before the Progress of Civilization.

We have only to bear patiently with them for a short Time, and with a few Exceptions, principally Half-castes, their unhappy Race, beyond our Power of Redemption, will be extinct.

I am not prepared to recommend that Money should at present be substituted for Presents to the resident Indians in this Province, —

1st, Because I think, unless good Arrangements were previously made, the Indians, from their improvident Habits, would in many Places be left destitute; and,

2dly, Because, without due Precaution, a Money Delivery to so many Men, Women, and Children might possibly be attended by very great Impositions.

Another Year's Experience and Reflection will, I make no doubt, enable me to offer to your Lordship a decided Opinion upon this Subject, as I am quite alive to the Advantage which we should gain by the Substitution of Money, if it could be properly effected,

In the Expenses of the Indian Department, which at present amount to 1,610*l.* 17*s.* 10*d.* per Annum, I am of opinion that a Reduction might at once be made to the following Extent (subject to moderate Pensions, the greater

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Part of which might be in Grants out of Land which has lately been ceded to me by the Indians).

3 Superintendents at 206 <i>l.</i> 14 <i>s.</i> 4 <i>d.</i>	-	-	-	£640	3	0
1 Interpreter at 62 <i>l.</i>	-	-	-	62	0	0

I also think that a considerable Reduction might be made in the Contingencies, which at present amount to 2,000*l.*

With respect to the Pensions, which amount to 462*l.*, I conceive, that as they have already been sanctioned they could not in Justice be repealed.

In conclusion, I now beg to refer to my Despatch No. 31., respecting the Age and Services of Colonel Givins. I conscientiously concur with Sir John Colborne and Sir Peregrine Maitland in recommending that in the Evening of his long and well-spent Life this Officer may not be neglected by His Majesty's Government, to whose Service he has been for more than Half a Century unremittingly and devotedly attached.

His Name is so identified with the Indian History of this Country, that I earnestly hope he may be allowed to retire on his Full Pay. He has a large Family, and his advanced Age must prevent his long receiving the Remuneration so strongly recommended by Sir J. Colborne, by Sir P. Maitland, and by myself.

To replace Colonel Givins, who would continue to assist as an Interpreter, I have already recommended in my Despatch No. 31. the Appointment of Mr. Hepburn, who last Year has, without Salary, been performing the Duties of Chief Superintendent.

I am decidedly of opinion that at the Expiration of Three Years a still further Reduction may be made in the Indian Department, and that its Expenses of every Description will, ere long, be completely defrayed by the Lands which I have lately obtained from the Indians.

I have the Honour, &c.

Right Hon. Lord Glenelg,
&c. &c. &c.

(Signed) F. B. HEAD.

Enclosure.

Enclosure in No. 32.

SUMMARY of the ANNUAL EXPENDITURE of the INDIAN DEPARTMENT in
UPPER CANADA.

	Sterling.
Cost of the Presents, say at least	£ 8,500
Pay and Allowances	1,610
Pensions	462
Contingencies, consisting principally of Pay of Persons employed not on the regular Establishment, such as a Clerk, Schoolmasters, Farmers at the several Posts to instruct the Indians in Cultivation, and a weekly Express for Letters, Transport of Presents from Depots to Places of Issue, Buildings for Indians, Rations to Visiting Indians at the annual Issue of Presents, Postage and travelling Expenses	2,000
Gross Expenditure	£12,572

The Proportion for this Province of the British Parliamentary Grant annually voted for the Indian Department in the Canadas is 13,380*l.* Sterling.

Indian Office, Toronto,
22d November 1836.

J. GIVINS,
Chief Superintendent of Indian Affairs,
Upper Canada.

RETURN of the NUMBER of RESIDENT INDIANS in UPPER CANADA who have or will receive PRESENTS during the Year 1836; and also of the Number of VISITING INDIANS who have received PRESENTS during the same Year, showing what Proportion of such Visiting Indians came from the UNITED STATES, and what Proportion from CANADA.

The Number of Indians resident at established Indian Stations who have or will receive Presents as above	-	-	-	-	5,209
Do. Do. who from not being attached to any Indian Station received their Presents with the Visiting Indians	-	-	-	-	1,298
					6,507
The Number of Visiting Indians from the United States who have received Presents as above	-	-	-	-	2,793
Total	-	-	-	-	9,300

Mr. Superintendent Anderson states that a much greater Number of Visiting Indians from the United States may be expected next Year than attended the Issue of Presents at the Great Manatoulin Island during the present Year. He states that 700 or 800 Chippewa Indians were stopped from going to the Island this Year from the Advice of their Traders, and Want of Food.

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to
Lord Glenelg,
20th Nov. 1836.

The Number of Visiting Indians from the United States who received Presents						
in 1834 was	-	-	-	-	-	3,010
Do.	Do.	Do.	in 1835	-	-	4,029

Enclosure.

Indian Office, Toronto,
22d November 1836.

J. GIVINS,
Chief Superintendent of Indian Affairs,
Upper Canada.

STATEMENT of the PAY AND ALLOWANCES of the OFFICERS of the INDIAN DEPARTMENT in UPPER CANADA, with the PERIODS of SERVICE of each OFFICER.

Names of Officers and their Stations.	Amount of Pay and Allowances.				Periods of Service.
			£	s. d.	
JAMES GIVINS, Chief Superintendent of Indian Affairs, Toronto.	Pay per Annum	- - -	371	8 8	- 40 Years.
	N.B.—No Lodging Money allowed.				
JOSEPH B. CLENCH, Superintendent, Colborne on Thames.	Pay per Annum	- -	185	14 4	
	Lodging Money	- -	21	0 0	
			206	14 4	- 22 Years.
GEORGE IRONSIDE, Superintendent, Amherstburg.	Pay per Annum	- -	185	14 4	
	Lodging Money	- -	31	0 0	
			216	14 4	- 6 Years.
THOMAS G. ANDERSON, Superintendent, Coldwater.	Pay per Annum	- -	185	14 4	
	Lodging Money	- -	31	0 0	
			216	14 4	- 21 Years.
JAMES WINNIOTT, Superintendent, Brantford.	Pay per Annum	- -	185	14 4	
	Lodging Money	- -	31	0 0	
			216	14 4	- 5 Years.
WILLIAM JONES, Assistant Superintendent, St. Clair.	Pay per Annum	- -	111	8 6	
	Lodging Money	- -	17	0 0	
			128	8 6	- 6 Years.
JOSEPH ST. GERMAIN, Interpreter, St. Clair.	Pay 4s. 4d. Sterling per Diem	- -	79	1 8	
	Lodging Money	- -	17	0 0	
			96	1 8	- 25 Years.
WILLIAM SOLOMON, Interpreter, Penetanguishene.	Pay 4s. 4d. Sterling per Diem	- -	79	1 8	
	Lodging Money	- -	17	0 0	
			96	1 8	- 21 Years.
JACOB MARTIN, Brantford, Interpreter.	Pay per Annum	- -	45	0 0	
	Lodging Money	- -	17	0 0	
			62	0 0	- 3 Years.
	TOTAL	- -	1,610	17 10	
					{ Army Sterling per Ann., Dollar at 4s. 4d., and not 4s. 8d., according to the Rate of the Dollar up to the Year 1827.

Indian Office, Toronto, }
22d November 1836. }

J. GIVINS,
Chief Superintendent of Indian Affairs,
Upper Canada.

STATEMENT of the ANNUAL VALUE of the PRESENTS issued to the INDIANS in UPPER CANADA, including the VISITING INDIANS from the UNITED STATES.

The Average annual Cost of the Presents issued as above is between
£8,000 and £9,000 Sterling; say, at least - - - £8,500

TABLE showing the RATIO of the COST of INDIAN EQUIPMENT, according to the Classifications of the Indians contained in the revised Schedule of Equipment of 1834.

Full Equipment.			Common Equipment.								
Chiefs.	Warriors.	Women.	Chiefs.	Warriors.	Women.	Boys.			Girls.		
						10 to 15 Years.	5 to 9 Years.	1 to 4 Years.	10 to 15 Years.	5 to 9 Years.	1 to 4 Years.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
2 0 5	1 8 3	1 6 2	1 6 6	1 0 3	19 4	9 0	7 0	4 9	12 7	8 11	5 11
Sterling.	Sterling.	Sterling.	Sterling.	Sterling.	Sterling.	Sterling.	Sterling.	Sterling.	Sterling.	Sterling.	Sterling.

Indian Office, Toronto, }
22d November 1836. }

J. GIVINS,
Chief Superintendent of Indian Affairs,
Upper Canada.

STATEMENT of the PENSIONS of the INDIAN DEPARTMENT in UPPER CANADA.

	Army Ster. per Ann.
ALEXANDER MAC DONELL, Retired Assistant Secretary, 4s. 8d. Sterling per Diem - - - - -	£85 3 4
DAVID PRICE, retired Storekeeper, Clerk, and Interpreter, 4s. 4d. Do. - - -	79 1 8
TIMOTHY MURPHY, superannuated Blacksmith, 2s. 2d. Do. - - -	39 10 10
BENJAMIN FAIRCHILD, retired Interpreter - - - - -	50 0 0
SARAH ELLIOTT, Widow of the late Colonel Elliott - - - - -	74 6 0
HESTER HILL, Widow of D. Hill (Mohawk Chief) - - - - -	18 11 5
CATHERINE BRANT, Widow of Captain Brant, 4s. 8d. Sterling per Diem - - -	85 3 4
GEORGE STEELTRAP (Warrior wounded in Action) - - - - -	15 3 4
JAMES JAMESON Do. - - - - -	15 3 4
Army Sterling per Annum, Dollar at 4s. 4d. - - -	£462 3 3

Indian Office, Toronto,
22d November 1836.

J. GIVINS,
Chief Superintendent of Indian Affairs, U.C.

No. 33.
Sir F. B. Head
to
Lord Glenelg,
5th Feb. 1837.

(No. 9.)

No. 33.

COPY of a DESPATCH from Sir F. B. HEAD, K. C. H., to Lord GLENELG.

My Lord,

Toronto, U.C., 5th February 1837.

I HAVE the Honour to transmit to your Lordship a Copy of a Letter addressed to my Secretary by Mr. Commissary General Routh, with a Reply thereto by Colonel Givins the Chief Superintendant of the Indian Department.

It appears that the Indian Department of Upper Canada has been annually required to transmit to the Commissary General at Quebec an Estimate of the supposed Number of Presents expected to be required for the ensuing Year.

It has constantly and very naturally happened that the whole Quantity thus estimated for have not been required, and the Overplus has consequently remained in the Hands of the Commissariat, who, instead of availing itself of these Stores in hand for the next Year's Supply, has it appears invariably obtained from England the whole Amount of the Presents annually estimated for by Upper Canada.

By this Arrangement a Quantity of Presents have of course accumulated in the Stores of the Commissariat, which Mr. Routh has not only suddenly got rid of, by charging them to the Account of the Indian Department of Upper Canada, just as if these Presents had been actually expended, but in doing this he has charged these Presents at Prices which in some Cases are exorbitant; for instance, he has charged the Indian Department 27s. a Piece for (1,127) Medals, a Sample of which now lying before me is marked by Assistant Commissary General Foote as being intrinsically worth only 2s. 4d.

By

By this new Arrangement the Commissariat has of course very easily disencumbered itself of all its useless Stores on hand, and has thrown the Indian Department of Upper Canada into Debt.

The Correspondence which I now enclose will I trust satisfy your Lordship that, as it is the Duty of the Commissariat, and not of the Indian Department, to provide the Presents for the Indians, any useless and unnecessary Accumulation of these Presents in the Stores of the Commissariat should be laid to the Charge of that Department which, by the common Process of deducting from an Estimate required the Stock actually on hand, might have avoided the Embarrassment which it has just (I think unreasonably) thrown from itself upon the Indian Department.

Mr. Routh is unintentionally in error in stating that the "Guns and Silver Ornaments in Store" were reserved under "the especial Order of the Lieutenant Governor," for when I heard they were about to be sold at Prices completely below their Value, I merely, in private Conversation, mentioned to Assistant Commissary General Foote that, rather than be so sacrificed, I thought they had better be reserved, as in case His Majesty's Government should approve of my Recommendation of discontinuing Presents to the American Visiting Indians we might, in severing the Connexion, take that Opportunity of giving these Indians any Stores which we could only sell to great Disadvantage; in fact I conceived we had better have Credit of giving them away than the Discredit of throwing them away.

I have, &c.

The Right Hon. Lord Glenelg,
&c. &c. &c.

(Signed) F. B. HEAD.

No. 33.
Sir F. B. Head
to
Lord Glenelg,
5th Feb. 1837.

Enclosures referred to in No. 33.

Enclosures.

Sir,

Commissariat, Canada, Quebec, 10th December 1836.

I request you will do me the Honour to lay before His Excellency the Lieutenant Governor of Upper Canada the Account of the Indian Department in that Province from the 1st April to the 30th September 1836, leaving a Balance to the Debit of that Account of 2,939*l.* 14*s.* 10*d.* Sterling; and in transmitting this Document I beg to review for His Excellency's Consideration the several Items of Charge.

T. 124.

It will be in His Excellency's Recollection, that in March 1836 I received the Instructions of the Right Honourable my Lords Commissioners of His Majesty's Treasury not to carry forward, in opening this Account for each financial Year, any surplus Balance that might remain unappropriated as applicable to the succeeding Year, and that such Balances should be omitted, unless any Case should occur in which, from an Excess of Expenditure, it should be against the Indian Department. A Copy of this Communication was transmitted to His Excellency in my Letter addressed to you under Date of the 25th June 1836, and explaining the Reasons which induced me to defer acting on this Instruction, and that notwithstanding it I proposed to carry forward to the Credit of this Account the unexpended Balance on the 31st March ultimo of 2,946*l.* 8*s.* 6*d.* Sterling, which His Excellency, on reference to the enclosed Account, will note accordingly.

This Circumstance I duly reported to my Lords of the Treasury in conformity, under Date of the 29th of the same Month.

His Excellency is aware that under a Grant of Money by Parliament certain annual Supplies are forwarded for the Indians from England, and it was formerly the Practice (indeed it is the Principle of all Account so to do) to charge the Indian Department with those Supplies on their Arrival in this Country; but latterly, in consequence of the large Remains of these Goods in Store, a great Part of which had ceased to be issued as Presents, and could no longer be used advantageously as Substitutions, it seemed unfair and unreasonable (when the Vote was limited to a given Sum) to act upon this Principle, which would have absorbed at once its entire Amount. Subsequently, since this Limit was assigned, large Sales have been made from Time to Time of these surplus Stores, under the Sanction of the Lieutenant Governor, whose Opinion was always consulted and followed in regard to the Articles to be reserved;

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See Treasury Minute,
3 Nov. 1829.

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to
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5th Feb. 1837.

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reserved; so that now the same Reason for deviating from the established Principle of this Account no longer exists. The present Occasion has appeared to me particularly favourable for bringing these Remains of Stores to account, as it is the last Year in which any surplus unappropriated Balance will be brought forward. His Excellency will not fail to observe that all these Articles are purchased and shipped under the Authority of the annual Parliamentary Grant, and that therefore they are immediately chargeable to that Grant, and that any Omission on my Part to act upon this Principle would entail upon the Public another Accumulation of useless Stores, to be disposed of hereafter at a great Loss, and would keep out of Sight (both of the Lieutenant Governor and my Lords of the Treasury) the Expenditure actually made, and the Limit assigned to it. Unless the whole Disbursement made for Goods in England, and shipped for this Service, are charged in the Account compiled here, only one Part of the Expenditure would be brought before the Lieutenant Governor, who, governing his Instructions thereby, might direct Payments within the apparent Limit, whilst a real Excess of the Grant was incurred.

I beg you will point out to His Excellency Two Items of the Stores now charged, the Guns and the Silver Ornaments, both of which have been reserved under the especial Order of the Lieutenant Governor, but are a Kind of dead Weight upon the Account. If His Excellency intends to continue the Issue of Fire-arms amongst the gratuitous Presents to Indians, it would certainly be impolitic to sell these, which, from late Improvements, are now deteriorated in Value. The Sale of this Article must wait his Determination on this Point. Some of them, about 150 common Guns, may probably be required for the Lower Province.

The Silver Ornaments appear still to be more numerous than are likely to be required, and I respectfully suggest that the Reservation of both these Articles, the Silver and Guns, involving an Average Charge of 5,000*l.* Sterling, might be advantageously submitted for His Excellency's Revision.

Another Circumstance which has increased the Items of Charge in the enclosed Account has been the Appropriation of a large Proportion of the Cargo by the Douglas to the Visiting Indians at Amherstburg, and at the Great Manatoulin Island, together with the Balance of these latter Stores brought back and now remaining at Penetanguishene, from whence the Expense of Transport renders them inapplicable to other Posts. Thus the Value of the Indian Stores at Penetanguishene forms an Item in the Charge somewhat exceeding 3,000*l.* Sterling.

I request you will bring under His Excellency's Notice the Principle which Colonel Givins in sundry Letters has endeavoured to establish, in the Substitution of one Article for another, which he states is to be governed by an Equality of Quantity, and not of Quality or Value; that is, if an Indian is entitled to a Yard of Cloth valued at 2*s.*, and that the Article cannot be procured, he is still to receive a Yard, though the Price of the Article substituted should amount to 10*s.* So long as the Balance in hand will afford the Means, this or any other Principle may be adopted; but as the Grant is in Money, and accompanied by an Order not to exceed it, I humbly conceive that this Regulation must be modified so as to be subservient to the Vote.

I beg to submit to you, for His Excellency's Observation, a Copy of the Indian Equipment in Lower Canada, so that His Excellency may have before him the Contrast between the Two Equipments, both having been compiled in 1834, but without reference of the one to the other.

On the Principle upon which this Account will henceforth be rendered, namely, that each Expenditure made for this Service will be charged immediately, every Sale of Stores or Receipt or Transfer of Goods from the Upper to the Lower Province will in like Manner be credited, as the Transaction occurs, under its proper Date, the whole of which is in strict Conformity to the Instructions of my Lords of the Treasury, and to the Usage of the Service, and indeed to every Transaction of Account, public or private.

It cannot fail of being more satisfactory to His Excellency, as the Account will always be accompanied by a Statement of the Remains of Stores, showing him at one View all the Resources at his Command, both of Stores and Money.

John Joseph, Esq.,
Civil Secretary, Toronto.

I have, &c.
(Signed) R. J. ROUTH, C.G.

Sir,

Indian Office, Toronto, 11th Jan. 1837.

I am commanded by the Lieutenant Governor, in acknowledging the Receipt of your Letter of the 10th ult., addressed to Mr. Secretary Joseph, accompanying and commenting upon your half-yearly Account of the Expenditure of this Department between the 1st April and 30th September 1836, showing a Balance of 2,939*l.* 14*s.* 10*d.* Sterling to the Debit of that Account, to state that His Excellency, having given the Subject his best Attention, and having referred to the Treasury Minute of the 3d November 1829, as well as to the Treasury Letter to you of the 9th January 1836, upon which you conceive yourself called upon to deviate from the Principle which has hitherto governed you in making out such Account, he can by no means concur in the Construction you have given to those Documents as affording any Warrant for such Deviation, and that in his Opinion the Principle on which the present Account proceeds, as regards the Charge made of the Value of the surplus Stores, is incorrect.

Had the Indian Department continued to be, as formerly, its own Storekeepers, His Excellency conceives that the Commissariat would be warranted in charging to this Department the annual Supplies forwarded from England under the Parliamentary Grant as soon as they were placed subject to my Disposition or Control, because in that Case the Indian Department would become the direct Accountant with the Treasury; but as this State of Things no longer exists, and the Commissariat has become the Storekeepers of this Department, and bound to dispose of the Stores upon its Requisitions, to be approved in a particular Manner pointed out by the Rules of the Service, the Lieutenant Governor regrets he cannot agree in the Principle you contend for and have adopted, of charging this Department with the annual Supplies on their Arrival in this Country, but is of opinion that the Value of the Stores at the Treasury Prices does not become chargeable against the Indian Department until the Issues are from Time to Time made by the Commissariat under such approved Requisitions.

With respect to the large Accumulation of useless Stores remaining in the several Commissariat Depôts in this Province, which you have now charged at your own Valuation against this Department, and to which His Excellency also objects, he commands me to observe, that if any Blame be attributable by reason of such Accumulation having occurred, it is in no respect, he conceives, the Fault of this Department, such surplus Stores having arisen in consequence of the Commissariat having required yearly the whole Amount of Stores specified in the annual Estimate furnished by this Department for the Supply of the succeeding Year's Presents, without deducting the Amount of Stores in the Commissariat Depôts, and requiring the Balance only from England. In confirmation of the Correctness of the Lieutenant Governor's View upon this Point, and that such Deduction ought to have been made at the Times to which I have referred, I am directed by His Excellency to call your Attention to the Language used by General Darling, then Military Secretary, who, in a Letter to Sir John Johnson, dated 29th December 1821, thus expresses himself:—"A general Estimate of the Presents that may be required at each Post for the ensuing Year is to be sent annually to this Office by the 25th September, in order that the Commissary General *may regulate his Demand from Home accordingly.*" Had the Demand upon England here alluded to been duly regulated from Year to Year, it is not easy to understand how the large Accumulation of Stores now remaining in the Commissariat Depôts could have arisen.

With regard to the Fact, to which you appear to attribute much Weight, as affording a Reason for establishing the Principle of charging the surplus Stores against this Department, namely, that large Sales have been made from Time to Time of such Stores with the Sanction of the Lieutenant Governor, whose Opinion has been followed with respect to the Articles to be reserved, I am directed by His Excellency to observe that such Sales have invariably been made, not by his Order, but on the Representation of the Commissariat in behalf of the Treasury, for whose Benefit the Proceeds have been realized, to prevent unnecessary Loss resulting from the Deterioration of perishable Articles. It is true the Lieutenant Governor has been consulted by way of Courtesy before the Sales have taken place, but only for the Purpose of giving him

(93.)

No. 33.
Sir F. B. Head
to
Lord Gleneig,
5th Feb. 1837.
—
Enclosures.
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No. 33.
Sir F. B. Head
to
Lord Glenelg,
5th Feb. 1837.
—
Enclosures.

the Opportunity of retaining such Articles as he might deem necessary for the Indian Service.

I am therefore commanded by His Excellency to convey to you his Objection, for the Reasons above assigned, to the Sum of 11,758*l.* 12*s.* 5*d.* Sterling, charged by you as the Value of the Remains of Indian Presents in the Commissariat Depôts on the 30th September last; and in doing so I am to request that you will be so good as to transmit a Copy of this Communication to the Lords Commissioners of His Majesty's Treasury, at your earliest Convenience, that their Lordships may have fully before them the Grounds upon which the present Objection is raised; and I am further authorized and directed to acquaint you, that it is His Excellency's Intention to send a Copy of this Letter to the Colonial Secretary of State, in order that his Lordship may, should he see fit, communicate with the Treasury, not only with a view to a speedy Settlement of the present Question, but also to placing the Principle on which the future Accounts are to be made out against this Department, with reference to the Charge of Stores, upon a clear and satisfactory Footing.

But there is another Subject referred to in your Letter, to which I would now proceed shortly to advert, viz., the Principle on which the Substitution of Articles for those specified in the Schedule of Equipments is to proceed. In my former Communications on this Point it was not my Intention, in stating that Equality of Quantity and not Equality of Value was to be the governing Principle of such Substitution, to advance so untenable a Proposition as that which you allude to, namely, that if an Indian is entitled to a Yard of Cloth valued at 2*s.*, and the Article cannot be procured, he is still to receive a Yard, though the Price of the Article substituted should be 10*s.* Had it occurred to me that the Terms I then used were susceptible of such a Construction I should have accompanied my Expressions with the following Explanation, namely, that in the event of any of the Cloths mentioned in the Schedule of Equipment not being purchasable, such Substitutes should be procured as, with reference to the Treasury Price List of the Cloths mentioned in the Schedule, would give a Quantity corresponding the nearest with that specified in such Schedule; for instance, suppose the Article of Strouds not to be procured in the Market, it was my Intention that you should purchase as a Substitute Flushing, Pilot Cloth, or Petersham, and not any of the finer Cloths, the Price of which, with reference to that of the original Article in respect of which it should be substituted, would yield to the Indians a Portion of Cloth altogether insufficient for any practical Purpose. It was to guard against the possible Contingency of such a Mode of Substitution as the latter which induced me to call your Attention so repeatedly to the Principle of Quantity, and not Value.

Apologizing for the Length to which my Observations have run,

I have, &c.
(Signed) J. GIVINS,
Chief Supt. I. D., U. C.

R. J. Routh, Esquire,
&c. &c. &c.

No. 34.
Sir F. B. Head
to
Lord Glenelg,
4th April 1837.
—

No. 34.

(No. 38.)

COPY of a DESPATCH from Sir F. B. HEAD, K.C.H., to Lord GLENELG.

My Lord,

Toronto, Upper Canada, 4th April 1837.

I HAVE had the Honour to receive your Lordship's Despatch, No. 131., from which I have the Satisfaction to learn that my Report on the State of the Indians has been graciously approved of by His Majesty.

As your Lordship desires that I should give my Opinion whether or not it would be advisable to transfer the Duties of the Indian Department to the Commissariat, I have the Honour to state that I would strongly advise against that Arrangement. I conceive the Government of the Indians requires moral Considerations and elastic Adaptations which are totally incompatible with the straight Railroad Habits of a Public Accountant; and it is quite evident to me, that if the Two Parties were brought into contact, either the Accountant must abandon his Principles or the poor Indian be made a Victim to the Four Rules of Arithmetic.

The

The Migration of these simple People from Equity to Law would be productive of the most serious Evils to them as well as to the Government.

The Lieutenant Governor of Upper Canada, styled by the Indians "their Father," has, under the Direction of the Colonial Minister, hitherto treated them as his Children, but if any new Regulations whatever were to be created to deprive him of parentally governing these People according to their simple Habits, and according to transient Circumstances, they would be Losers by the Arrangement; while on the other hand the Breed of Half Castes, who are every Day becoming more crafty and cunning, at the Instigation of the Whites, would give a great deal of Trouble to the Government if they had any thing to claim under strict Treasury Regulations; in short, I feel quite confident that the more the Indians are left to the Mercy of the Colonial Minister the better it will be for them; and I think it highly politic that we should retain the Advantage as well as the Disadvantage of possessing no written Documents, or no fixed Rule of governing the Indians beyond the Will and Pleasure of their Great Father the King.

I also respectfully submit to your Lordship that no Saving could arise, from merely changing the professional Title of the Individual in charge of the Indians, as the only Difference between a Department Officer and a Commissariat Officer would be that the one would adapt himself to the Indian Character, and the latter would make that Character adapt itself to him.

It only remains for me to inform your Lordship that Colonel Givins is now from declining Health unable to attend at the Office at all.

The Reduction which I have recommended in the Department, and which your Lordship has sanctioned, will increase rather than diminish the Duties of the Superintendent, and I therefore think that the Salary (371*l.* 8*s.* 8*d.*) of Colonel Givins's Successor, who I trust may be appointed without Delay, should not be reduced.

I have, &c.
(Signed) F. B. HEAD.

No. 34.
Sir F. B. Head
to
Lord Glenelg,
4th April 1837.

No. 35.

(No. 75.)

COPY of a DESPATCH from Sir F. B. HEAD, Bart., K. C. H., to Lord GLENELG.

My Lord,

Government House, Toronto, 24th June 1837.

THE Vice Chancellor having been desirous to obtain the Services of Mr. Hepburn as Registrar of the Court of Chancery, on account of that Gentleman's professional Experience, I have consented to confer upon him the Office in question; by which Arrangement Mr. Hepburn has retired from the actual Superintendence of the Indian Department.

Although your Lordship, as well as the Lords Commissioners of the Treasury, have signified to me Approbation of the Retirement of Colonel Givins on full Pay, yet in your Lordship's Despatch No. 131, dated 20th January 1837, it was distinctly explained to me, that your Lordship reserved the Consideration of the Appointment of a Successor to Colonel Givins until you should have received my Report of the Practicability of transferring the Duties of the Indian Department to the Commissariat.

In compliance with your Lordship's Views, I accordingly prevailed on Mr. Hepburn to continue gratuitously to superintend the Department (for which Duty, I felt confident, he would be eventually remunerated) until I should receive a Reply to my Despatch to your Lordship, in which I had explained the Objections that existed to placing the Indians under the Management of the Treasury.

Being, however, suddenly deprived of Mr. Hepburn's Services, Colonel Givins being now totally incompetent to transact the Business of the Indians, and these poor People daily demanding my Consideration, I have reluctantly been compelled to notify in the Gazette the Appointment of a Person to take charge of the Department until further Orders.

The Individual I have selected is Mr. Samuel Jarvis. His Father was an American, who served in the Queen's American Rangers during the Revolutionary War, and who afterwards came out from England with Governor Simcoe, at whose Recommendation he was appointed Secretary of the Province,

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which

No. 35.
Sir F. B. Head
to
Lord Glenelg,
24th June 1837.

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Sir F. B. Head
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Lord Glenelg,
24th June 1837.

which Situation he filled (for about Twenty Years) till the Time of his Death.

Mr. Samuel Jarvis is an active, intelligent, humane Person, and I think him well adapted to the Superintendence of the Indians.

As he has been obliged to give up the Office of Deputy Secretary and Registrar, for which he received 300*l.* a Year, in order to perform the Duties I have required of him, I beg leave to recommend to your Lordship, that he should receive a Salary of 350*l.*, which is only 50*l.* more than that which is paid to the Chief Clerks in all the public Offices here.

I beg to enclose, and to recommend to your Lordship's favourable Consideration, a Memorial I have received from Mr. Hepburn.

I have, &c.
(Signed) F. B. HEAD.

No. 36.
Sir F. B. Head
to
Lord Glenelg,
11th July 1837.

(No. 80.)

No. 36.

COPY of a DESPATCH from Sir F. B. HEAD, Bart., K.C.H., to Lord GLENELG.

My Lord,

Government House, Toronto, 11th July 1837.

I HAVE the Honour to acknowledge the Receipt of your Lordship's Despatch, No. 177, dated 30th April 1837, in which you request to be furnished with any Information in my Power respecting certain Items in the Account of the Commissary General in Canada for the Establishment of the Indian Department at Manitoulin Island, and that I will report to your Lordship whether these Items will form a permanent Charge on the Fund set apart for the Indian Department. Your Lordship also calls my Attention to the concluding Paragraph of a Letter (dated 10th April), conveying to your Lordship the Lords Commissioners of the Treasury's Opinion that the Officers administering the Government of the Canadian Provinces ought not to be invested with any discretionary Authority in regard to the Increase of the Indian Department, or the Introduction of new contingent Charges.

In reply to this Communication I have the Honour respectfully to explain to your Lordship, that the Items alluded to are Expenses contingent upon Arrangements which partly originated with my Predecessor, which have been approved of by your Lordship, and which I have been authorized by your Lordship to carry into effect.

The Object of these Arrangements is to effect a material Reduction in the Expenses of the Indian Department;—

- 1st. By an immediate Diminution of the Establishment :
- 2d. By ceasing after Three Years to give Presents to the American Indians :
- 3d. By the Proceeds of the Sale of large Tracts of most valuable Lands which I have obtained in this Province from the Indians, who at my Suggestion have determined to retire from the White Population by settling in the West.

By these Arrangements (especially by the Sale of the Indian Lands) I believe I have devised Means for eventually relieving His Majesty's Government from the whole of the Expenses of the Indian Department. On the other hand, in the Erection of temporary Storehouses at Manitoulin I have incurred, and must continue to incur, contingent Expenses, which are unavoidably incidental to any new Plan such as I have described.

I can assure your Lordship that I have been and will be particularly careful to incur no unnecessary Expense, and that I am really desirous to co-operate zealously with His Majesty's Government in reducing the Expenses of the Indian Department; but I trust that the new Plan I am pursuing may be judged of by a Balance of its Savings and Expenses, and not by the latter only.

I have, &c.
(Signed) F. B. HEAD.

No. 37.
Sir F. B. Head
to
Lord Glenelg,
18th July 1837.

(No. 88.)

No. 37.

COPY of a DESPATCH from Sir F. B. HEAD, Bart., K.C.H., to Lord GLENELG.

My Lord,

Government House, Toronto, 18th July 1837.

I HAVE the Honour to acknowledge the Receipt of your Lordship's Despatch, No. 145., dated 20th February 1837, on the Subject of the Indian Tribes.

It

It appears that the Lords of the Treasury have very justly remarked that the Statements and Recommendations respecting the Indians, which on the 20th November 1836 I had the Honour to address to your Lordship, differ entirely from "the Opinions repeatedly expressed by the Officers who have preceded Sir Francis Head in the Government of Upper Canada, that the "Indians would gradually adopt Agricultural Pursuits and acquire Habits of "settled Industry."

With this conflicting Evidence before them, the Lords Commissioners of His Majesty's Treasury have requested to be furnished with certain additional Information; and, deeming it might be more satisfactory that their Lordships should receive this Information from the different Superintendents rather than from myself, I desired their Lordships Queries to be forwarded to these Gentlemen, whose Replies I have the Honour to transmit herewith.

Your Lordship, as well as the Lords Commissioners of the Treasury, will, I am sure, feel satisfied that I can derive no Gratification from Sentiments such as those I have expressed. Without, therefore, the slightest Desire to press my Opinions on the Attention of His Majesty's Government, I feel it my Duty most respectfully to state that I continue to entertain them.

I am aware that the Information my Predecessors received induced them to think differently; but I made it my Duty minutely and personally to investigate the real State of the Indians in this Province, and I have judged of their Situation with my own Eyes.

I have, &c.
(Signed) F. B. HEAD.

Enclosure in No. 37.

—(1.)—

Sir,

Agreeably to your Circular of the 27th ultimo, I now beg leave to return the enclosed Queries, with my Answers to them.

I have, &c.
(Signed) GEORGE IRONSIDE,
S. I. A.

Colonel James Givins,
&c. &c. &c.

Indian Department, Amherstburg,
10th May 1837.

Enclosure.

Query 1st.—The Number of Tribes and of Indians resident in this Province?

Answer.—When at Toronto in March 1834, I made out a general Requisition on the Treasury for the Indians of this Province for the Years 1835 and 1836, at which Time they numbered 5,005; I should conceive that they have not increased much since that Period.

I have no correct Information as to the Number of the Tribes.

Query 2d.—The Pursuits of each Tribe, with the Number of fixed Locations occupied by the Indians?

Answer.—The Tribes under my Superintendence are the Huron, Chippewa, Shawanor, and Munsey. The principal Part of these Indians reside on the Huron Reserve during the Spring and Summer Months, where they cultivate small Farms; and towards the Autumn the Men usually repair to their Hunting Grounds on the American Shore, from whence they return early in the Spring for the Purpose of making Sugar and planting their Corn.

There are a few Indians of the Chippewa Tribe who are also under my Superintendence, residing at Point Pelé; these support themselves almost entirely by Hunting and Fishing, and they claim the Point as having been reserved to them by Government.

Query 3d.—The Situation of the Locations of the settled Parties, or of Hunting Grounds occupied by the other Indians?

Answer.—The Huron Reserve is situated on the East Bank of the River Detroit in the Township of Malden, Western District.

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Point

No. 37.
Sir F. B. Head
to
Lord Glenelg,
18th July 1837.

George Ironside, Esq.
10th May 1837.

William Jones, Esq.
12th May 1837.

J. B. Clench, Esq.
12th May 1837.

J. G. Anderson, Esq.
15th May 1837.

Charles Anderson, Esq.

James Winniott, Esq.
22d May 1837.

No. 37.
Sir F. B. Head
to
Lord Glenelg,
18th July 1837.

Enclosure.

Point Pelé is in the Township of Mersea, about Thirty-five Miles below this.

Query 4th.—The Extent of the Lands set apart at the different Locations for the Use of the Indians, or of the Hunting Ranges?

Answer.—The Huron Reserve extends Six Miles along the River, and runs Seven Miles back.

I do not know the Extent of the Tract at Point Pelé.

Query 5th.—The Persons employed in the Superintendence of the settled Indians or of the other Tribes, with their Designations and Salaries, and a Summary of the Duties they have to perform?

Answer.—Since the Change has been made with regard to the Place of issuing Presents to the various Tribes of friendly Indians, who have hitherto resorted to this Post from their Hunting Grounds on the American Shore, the Duty of Superintendent is confined principally to the Civilization of the resident Indians under my immediate Charge, and attending to their Interests relative to the Sale of Wood and Stone from off their Reserve, as well as to the Sale of their Land, also to the issuing of Presents to them yearly.

The Duty here is performed by myself; and as I speak Two of the Indian Languages, no Interpreter is employed. My Salary is 185*l.* 14*s.* 4*d.* Sterling per Annum.

Query 6th.—The Number and Description of the Clergy or Teachers attached to each Tribe or Party?

Answer.—The Indians settled here have no Clergyman or Teacher attached to them. A small Number of the Huron Tribe are Roman Catholic, and attend that Church; the Majority of the Tribe, however, are Methodists, and regularly attend the Chapel in this Place.

Query 7th.—Whether the Expenses of the Tribe or Party are defrayed from the Parliamentary Grant, or from the Land Payments out of the Territorial Revenue of the Crown?

Answer.—I have it not in my Power to give the Information required.

(Signed) GEO. IRONSIDE,
S. I. A.

Amherstburg, 9th May 1837.

—(2.)—

Sir,

Port Sarnia, 12th May 1837.

I have the Honour to acknowledge the Receipt of your Letter of the 27th Ultimo, requesting Information on the several Points enumerated in the accompanying Paper, and am sorry that I have not been able to comply more fully with your Wishes.

I have had so little Opportunity to acquire a correct Knowledge of the Indians of distant Parts of the Province, and of other Matters on which you wish to be informed, that I have been under the Necessity of confining my Answers to merely what regards the Indians and the Branch of the Indian Department under my Superintendence.

I have, &c.
(Signed) WM. JONES,
Ass^t Sup^t Indⁿ Dep^t.

Query 1st.—The Number of Tribes and of Indians resident within this Province?

Answer.—I have not the Means to give this Information correctly. The Tribe under my Superintendence at the last Issue of Presents in 1836 numbered 467 Souls; but in consequence of a Number of the same Tribe who have heretofore received their Presents at Amherstburgh coming in to settle among their Relations, they will probably be increased to 520 or 530. This Tribe is of the Chippewas.

Query

Query 2d.—The Pursuits of each Tribe, with the Number of fixed Locations occupied by the Indians?

Answer.—I am unable to answer this farther than regards the Tribe under my own Superintendence. Their Pursuits generally are cultivating small Fields of Indian Corn, Potatoes, and various Kinds of Pulse; and at Times in Summer, when their Crops, do not require their Attendance, they follow Hunting and Fishing; in Winter the greater Part of them retire to the most favourable Situations for Hunting and making Sugar, where they usually remain till the Season for preparing to plant and sow their Spring Crops. Those Indians may be said to have their Locations on which they have fixed themselves, and where they principally make their Home.

No. 37.
Sir F. B. Head
to
Lord Glenelg,
18th July 1837.

Enclosure.

Query 3d.—The Situation of the Locations of the settled Parties, or of Hunting Grounds occupied by the other Indians?

Answer.—The principal Location of the settled Indians of this Tribe is the Upper Indian Reserve, River St. Clair, situated in the South-west Angle of the Township of Sarnia; but there is a considerable Party of them settled on Walpole Island, at the Cheneil Ecarté, and another Party make their Home at or near the Mouth of the River Aux Sables. The chief Hunting Grounds of those Indians that occupy the Upper Reserve are the unsettled Parts of the Townships of Sarnia and Moore, but they depend much on Fishing; the Hunting Grounds of the Walpole or Cheneil Ecarté Indians are the unsettled Parts of Sombra or Dover, and in the Marshes of the Islands, where they kill great Numbers of Musk Rats, Ducks, and other Game; the Channels abound also with Fish; the Indians of the River Aux Sables hunt chiefly over the unsettled Parts of the Canada Company's Tract.

Query 4th.—The Extent of the Land set apart at the different Locations for the Use of the Indians, or of the Hunting Ranges?

Answer.—The Upper Indian Reserve, River St. Clair, contains about 9,000 Acres; the Lower Reserve in the Township of Moore extends One Mile in front on River St. Clair, but I do not know exactly how far it extends back; the several Islands which the Indians claim may contain in all 4,000 or 5,000 Acres, and the Two small Reserves near the River Aux Sables about 5,000 Acres.

Query 5th.—The Persons employed in the Superintendence of the settled Indians or of the other Tribes, with their Description and Salaries, and a Summary of the Duties they have to perform.

Answer.—William Jones, Assistant Superintendent, is employed in the Superintendence of the Indians of the River St. Clair, Cheneil Ecarté, and the River Aux Sables; Joseph St. Germain is Interpreter. The Salary of the Assistant Superintendent is 111*l.* 8*s.* 6*d.* Sterling per Annum; Allowances, One Ration of Bread and Beef, Light and Fuel for Half a Room. Interpreter's Pay 4*s.* 4*d.* Sterling per Diem; Allowances, 17*l.* Sterling per Annum, for Lodging; Rations same as Assistant Superintendent. The Duties that have been enjoined on Assistant Superintendent are to try to induce the Indians to leave off their roving Habits and to follow a settled and civilized Life; to attend to their Wants in their agricultural and other Pursuits, and to report the same to the Head of the Indian Department; to see the Articles furnished them are of suitable Quality and duly delivered; to make all Representations for the Indians, and about other Matters that may be expedient; to make annual Returns of their Numbers, and Requisitions for their Presents and Land Payments; to attend to the Issues of Presents, Delivery of Land Payments, take Receipts, and make Returns to the Chief Superintendent, and to obey and execute all such Orders and Instructions as he may from Time to Time receive.

I cannot answer correctly respecting other Superintendents.

Query 6th.—The Number and Description of the Clergy or Teachers attached to each Tribe or Party.

Answer.—There is One Missionary and One Teacher attached to the Indians settled on the Upper Indian Reserve, River St. Clair; they are both of the Wesleyan Methodist Society; I do not know who are attached to the other Missions.

(93.)

Query

No. 37.
Sir F. B. Head
to
Lord Glenelg,
18th July 1837.

Enclosure.

Query 7th.—Whether the Expenses of the Tribe or Party are defrayed from the Parliamentary Grant, or from the Land Payments out of the Territorial Revenue of the Crown?

Answer.—I understand that all the Expenses of the Tribe under my Superintendence, except my Pay, &c. as Assistant Superintendent, the Interpreter's Pay, &c., and the annual Presents, are defrayed from the Land Payments out of the temporary Revenue of the Crown.

(Signed) WM. JONES,
Ass^t Sup^t Indⁿ Dep^t.

Upper Indian Reserve,
River St. Clair, 12th May 1837.

—(3.)—

Sir,

Colborne on Thames, 12th May 1837.

In compliance with your Circular of the 27th ultimo, I have the Honour to transmit Answers to the Queries proposed by His Excellency the Lieutenant Governor, and hope the same may prove satisfactory.

Colonel Givens,
Chief Superintendent,
Toronto.

I have, &c.
(Signed) J. B. CLENCH, S. I. A.

INFORMATION CALLED FOR.

Query 1st.—The Number of Tribes and of Indians resident within this Province?

Answer.—Within the settled Limits of the Province are,—

The Mohawks of the Bay of Quinte.

Messessahgas of Ganoqua, Kingston and Bay of Quinte.

Messessahgas of the Rice Lakes.

Chippewas of Lake Simcoe.

Chippewas of Matchedash Bay.

Messessahgas of the River Credit.

The Six Nations and other Tribes on the Grand River.

Chippewas of Sahgeeng.

Chippewas of the Thames.

The Delawares (known by the Name of Moravians) of the Thames.

Chippewas of Cheneil Ecarté and North Branch of Bear Creek.

Chippewas of the St. Clair.

Wyandotts.

Chippewas of Point Pelé and River Rascum.

I believe they number 5,600 Souls.

The Chippewas, Munsees, and Moravian Delawares under my Superintendence number 945 Souls; viz., Chippewas 401, Munsees 242, and Moravians 302.

Query 2d.—The Pursuit of each Tribe, with the Number of fixed Locations occupied by the Indians?

Answer.—The Indians in the Province pursue generally Agriculture, Hunting, and Fishing.

There are a few wandering Indians with their Families about Point Pelé and River Rascum. Those with the Chippewas on Walpole Island, with Three Families on the Huron Reserve, and Two at the Mouth of the River Aux Sables, are the only Chippewas to my Knowledge who have not as yet acceded to the Wishes of the Government.

The Chippewas of the Thames possess a Reservation in the Township of Carradoc, containing about 12,000 Acres, and occupy Sixty-one Lots of Ten to Twenty Acres each; some have One, Two, Three, Four, and Five Acres cleared; there are Dwellings erected on some of the Lots, and Wigwams on others.

The Munsees of the Thames may be termed Squatters, on the Reserve owned by the Chippewas, where they have placed Forty-seven Log Huts, and each

each taken a Piece of Land, and have from One to Three Acres under Cultivation. The Chippewas protect them, and call them their Grandfathers.

The Moravian Delawares possess a Strip of Land in the Township of Lone. Their main Reservation is situated on the opposite Side of the River in the Township of Orford; the Number of Acres unknown to me. They have erected Fifty-seven Log Huts in their Village, where they have 300 Acres under Cultivation. In the Vicinity of that Spot they cultivate 100 Acres, where each Man holds his own Part; here they have Fifteen Dwellings.

The Indians under my Superintendence pursue a few of the different Branches of Husbandry on a small Scale. Six Years ago the Chippewas were a wandering and truly wild People; within that Period I have located and settled them on the River Thames; their Minds as well as their Habits have become more settled, and they appear to be sensible of the great Good which may be derived from the Culture of their Lands, but they are still a weak and wandering Race, and it is yet a difficult Matter to keep them located.

Query 3d.—The Situation of the Locations of the settled Parties, or of Hunting Grounds occupied by the other Indians?

Answer.—The Location of the Mohawks of the Bay of Quinte is situated in the Township of Tyendinaga, Midland District.

The Messessahgas of Gansqua, Kingston, and Bay of Quinte, within a Mile of the Rice Lake, Newcastle District.

The Messessahgas of the Rice Lakes, on the Bank of the Rice Lake, in the same District.

The Chippewas of Lake Simcoe, at the Narrows of that Lake, Home District.

The Chippewas of Matchedash Bay at Coldwater River, in the same District.

The Messessahgas of the Credit on the Bank of that River, in the same District.

The Six Nations and other Tribes on the Banks of the Grand River, in the Gore and Niagara Districts.

The Chippewas of Sahgeeng at the Mouth of Sahgeeng River on Lake Huron.

The Chippewas of Cheneil Ecarté, and North Branch of Bear Creek, belong to the St. Clair Establishment, but still remain on Walpole Island in the River St. Clair, Western District.

The Chippewas of St. Clair are those who have acceded to the Wishes of the Government, and located themselves on the Bank of the River in the Township of Sarnia, and, with the Chippewas on Walpole Island, are the Possessors of Three Reserves; Two bounded by the River St. Clair, and the other at the Mouth of the River Aux Sables, Western District.

Wyandotts, the Huron Reserve in the Township of Malden, Western District.

The Indians generally hunt on the unsettled Tracts which they formerly ceded to the Crown.

Query 4th.—The Extent of the Lands set apart at the different Locations for the Use of the Indians?

Answer.—The Surveyor General, I believe, is the only Person who can answer this Query correctly.

Query 5th.—The Persons employed in the Superintendence of the settled Indians or of the other Tribes, with their Designations and Salaries, and a Summary of the Duties they have to perform?

Answer.—I am the Superintendent of the Chippewas, Munsees, and Moravian Delawares, the Channel of Communication between the Government and the Indians. I prepare all written Requests, Estimates, Requisitions. I superintend the Erection of Buildings, the Issues of Agricultural Implements, Provisions, Presents, &c. I preside in general Councils, advise the Chiefs and Warriors in all Matters connected with their Welfare. I protect them from the Encroachments of the Whites, who would be constantly squatting on their Lands. I assist them to recover strayed stolen Horses or Cattle; examine and correct
Accounts

No. 37.
Sir F. B. Head
to
Lord Glenelg,
18th July 1837.
—
Enclosure.

No. 37.
Sir F. B. Head
to
Lord Glenelg,
18th July 1837.

Enclosure.

Accounts between them and the Whites. I point out the Plan of Farming Operations for the Season, encourage those that do well, and admonish the idle and refractory.

My Salary is 185*l.* 14*s.* 4*d.* Sterling per Annum.

One of the Clerks, whilst copying the Papers stating the proposed Alterations of the Establishment, made a Mistake in the Figures stating the Amount of my Lodging Money, which as yet has not been corrected; through that trifling Error I have sustained a Loss of 10*l.* Sterling per Annum since the 24th of June 1830, which reduces my Allowance of Lodging Money to 21*l.* per Annum.

His Excellency Sir John Colborne was pleased to appoint me Visiting Officer to the Department, for which I receive no Salary.

The Duty of the Farmer is to assist the Indians in their Agricultural Pursuits.

He also is obliged to act as Interpreter, as there is no Interpreter at this Station. Salary 91*l.* 5*s.* Halifax Currency per Annum.

The Duty of the Schoolmaster is to teach as many of the Indian Children as will attend the School. Salary 75*l.* Halifax Currency.

Query 6th.—The Number and Description of the Clergy or Teacher attached to each Tribe or Party?

Answer.—Mr. Waldron, a Missionary of the Wesleyan Methodists, is placed at this Station, and preaches to the Chippewas and Munsees.

Here they have established a School under the Direction of the Missionary.

The Pagan Chippewas and Munsees have in part consented to listen to the Religious Instruction of the Rev. Mr. Flood of the Church of England, who occasionally visits them.

The Rev. Messrs. Luckenbach, Vogler, and Meeks are the Missionaries established by the Society of the United Brethren at New Fairfield commonly called Moravian Town, where they render Moral and Religious Instruction to the Delawares.

Query 7th.—Whether the Expenses of the Tribe or Party are defrayed from the Parliamentary Grant, or from the Land Payments out of the Territorial Revenues of the Crown?

Answer.—Ten Dwelling Houses, Eighteen by Twenty Feet, and Twelve Eighteen Feet Square, have been erected for the Chippewas, by Order of Government, out of the Funds of the Parliamentary Grant, and Two Schoolhouses for the Use of the Munsees and Chippewas.

The Chippewas have received but a trifling Assistance from the Parliamentary Grant; they have commuted their Land Payments for the last Five Years to satisfy their Wants.

The Munsees have no Land Payments due to them. They have received Assistance from the Funds of the Parliamentary Grant, such as a Waggon, working Oxen, Provisions, and Farming Implements.

The Moravian Delawares have not received any Assistance from the Parliamentary Grant.

(Signed) J. B. CLENCH, S. I. A.

—(4.)—

Sir,

Coldwater, 15th May 1837.

I have the Honour to enclose herewith Replies to your various Queries relative to the Indians.

I have the Honour, &c.

(Signed) T. G. ANDERSON,
S. I. A.

To Colonel J. Givins,
C. S. I. A. Toronto.

INFORMATION CALLED FOR.

Query 1st.—The Number of Tribes and of Indians resident within the Province?

Answer.—At Coldwater and the Narrows of Lake Simcoe the Number of Indians (Chippawas) in the Two Tribes is nearly 500 Souls. It is not ascertained what Number of Indians there are in the unsettled Parts of the Province, viz. North of Penetanguishene. The Chippewas who resort annually to the Borders of Lake Huron, between Penetanguishene and the Sault St. Mary's, and whose Residence is within the Province, may be computed at about 1,200 Souls; but in addition to those are vast Numbers scattered through the Forest between Lake Huron and Hudson's Bay, on the North Side of Lake Superior, and extending along the Boundary Line betwixt His Majesty's Territory and that of the United States, and throughout the original Charter of the Honourable Hudson's Bay Company. All these Tribes are wild and uncultivated; they hunt Furs during great Part of the Year for the Hudson's Bay Company. In the Winter they live principally on the precarious and scanty Hunt of Hares, Partridges, and occasionally they kill Rein Deer; in the Summer Months they subsist mostly on Fish; and many of them are clothed in Hare Skins sewed together with Bass Wood Bark. It can scarcely be said that those Tribes who resort annually to the Borders of Lake Huron have any fixed Place of Residence, for though many of them endeavour to cultivate small Patches of Corn and Potatoes, still, Hunger calling them from their little Gardens in search of Food, they seldom remain more than Two or Three Weeks in the same Encampments.

Many of those denominated "Visiting Indians" are from the American Territory.

Query 2d.—The Pursuits of each Tribe, with the Number of fixed Locations occupied by the Indians?

Answer.—The Indians of Coldwater and the Narrows have for some Years past been engaged in clearing and cultivating the Land. The fixed Locations for civilizing the Indians within my Superintendence are, Coldwater, Narrows of Lake Simcoe, the Great Manatoulin Island, Sauging, and the Sault St. Mary's.

All those Indians at the proper Seasons go to fish, hunt, and make Sugar.

Query 3d.—The Situation of the Locations of the settled Parties, or of Hunting Grounds occupied by the other Tribes?

Answer.—This appears to have been answered in the Two former Replies.

Query 4th.—The Extent of the Lands set apart at the different Locations for the Use of the Indians, or of the Hunting Ranges?

Answer.—For the Indians of Coldwater and the Narrows a Strip of Land extending from the former to the latter Place, containing about 9,000 Acres, was reserved for them in 1830. This Land had originally been purchased from those Tribes, and I believe forms a Part of that Tract for which they now receive an annual Payment of 1,200*l.* from Government. The Portage Road from Lake Huron to Lake Simcoe, a Distance of Fourteen Miles, runs through this Tract or Reserve, and the adjoining Lots are fast filling up with Emigrant Settlers.

No particular Allotment for Hunting Ranges has been made to these Tribes.

The Manatoulin Island and the Chain of Islands on the North Shore of Lake Huron have lately been appropriated as a Place of Resort for all Indians whose Hunting Grounds have failed, and who feel disposed to acquire the Habits of civilized Life.

The Sauking Indians (also Chippewas), not more than Seventy in Number, occupy a Tract of superior Land containing about 2,000,000 of Acres, Three Fourths of which they last Year ceded to the Crown.

They have a Methodist Preacher residing with them, who keeps a School, though of very limited Information himself.

At the Sault St. Mary's the Indians continue Proprietors of the Soil, as their Title to it has not been extinguished by the Government.

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Query 5th.—The Persons employed in the Superintendence of the settled Indians, or of the other Tribes, with their Designations and Salaries, and a Summary of the Duties they have to perform?

Answer.—I have since the Year 1815 had the Superintendence of most of these Tribes; my Salary is 184*l.* 14*s.* 8*d.* per Annum, with Rations, Lodging, Fuel, and Candles. My Duties have been, to estimate for and attend to the Distribution of the Presents; to preserve the Influence of the Government over the Indians, and to maintain Harmony amongst the Tribes, and between them and the White Settlers; to report to the Head of the Indian Department, for His Excellency the Lieutenant Governor's Information, all Affairs relative to the Indians; and to communicate to the Indians His Excellency's Messages. For the last few Years my Attention has been particularly engaged in constructing Houses and Mills for the Indians, and in leading them to Agricultural Employments. There is an Interpreter (William Solomon) in this Branch of the Department stationed at Penetanguishene; his principal Duties are to communicate betwixt the Indians and the Commanding Officer at that Outpost. His Salary is 5*s.* per Day, with Rations, Lodging, Fuel, and Light.

Query 6th.—The Number and Description of the Clergy or Teachers attached to each Tribe or Party?

Answer.—At the Narrows, where the Indians are partly Methodists and partly Roman Catholics, a Methodist Preacher and School Teacher reside, provided by the Methodist Conference, and the Catholic Priest from Penetanguishene occasionally visits them. At Coldwater, where the Indians are also partly Methodists and partly Roman Catholics, a Methodist Preacher has occasionally resided at the Expense of the Conference, and the same Roman Catholic Priest visits occasionally. The School Teacher selected by His Excellency the Lieutenant Governor has invariably been a Member of the Established Church. At present there is none, the Indians having their Land Payments under their own Control. None of these Indians have had the Benefit of any regular Religious Instruction from Clergymen of the Church of England. At the Manatoulin Island a Minister of the Church of England was maintained for the last Summer at the joint Expense of the Parliamentary Grant and of the Society for promoting Christianity amongst the destitute Settlers and Indians, and a School Teacher was also sent there for the same Period, paid out of the Parliamentary Grant. At the Sault St. Mary's a Minister of the Church of England has been successfully employed, and supported partly by the Society and partly from the Parliamentary Grant; and during the last Two or Three Years a School Teacher has been maintained at that Mission from the Parliamentary Grant.

Query 7th.—Whether the Expenses of the Tribe or Party are defrayed from the Parliamentary Grant, or from the Land Payments out of the Territorial Revenue of the Crown?

Answer.—Until 1832 all the Expenses at Coldwater and the Narrows were defrayed by the Parliamentary Grant; since that Period nearly all the Expenses, except the annual Presents, have been paid from the Land Payments. The whole Expense of the Tribes North of Penetanguishene are defrayed by the Parliamentary Grant, as those Tribes have no Funds arising from the Sale of Lands.

(Signed) T. G. ANDERSON, S. I. A.

—(5.)—

INFORMATION CALLED FOR.

From Captain Anderson, Rice Lake.

Query 1st.—The Number of Tribes and of Indians resident within this Province?

Answer.—There are Three Tribes of Indians of the Chippewa Nation in the Newcastle District; their Numbers about 500.

Query

Query 2d.—The Pursuits of each Tribe, with the Number of fixed Locations occupied by the Indians?

Answer.—The Pursuits of the Indians in the Newcastle District since they embraced Christianity are principally agricultural. There are Three fixed Locations; viz. Alnwick, Rice Lake, and Mud Lake Indian Settlements.

Query 3d.—The Situation of the Locations of the settled Parties, or of Hunting Grounds occupied by the other Indians?

Answer.—The Alnwick Indian Settlement is situate on the South Side of the Rice Lake, about One and a Half Mile back from the Lake. The Rice Lake Indian Settlement is on the North Side of the Lake. The Mud Lake Indian Settlement is situated on a Point of Land on that Lake.

The Hunting Grounds is the Tract of Country through to the Ottawa River.

Query 4th.—The Extent of the Lands set apart at the different Locations for the Use of the Indians, or of the Hunting Ranges?

Answer.—The Extent of the Alnwick Indian Settlement is about 3,000 Acres, that of the Rice Lake about 1,200 Acres, and that of the Mud Lake about 1,600 Acres; the Hunting Ranges consist principally of Deer, with which the Country abounds?

Query 5th.—The Number and Description of the Clergy or Teachers attached to each Tribe or Party?

Answer.—There is a Missionary and Schoolmaster of the Wesleyan Methodist Persuasion at the Alnwick and at the Rice Lake Settlements. That at Mud Lake having been principally under the Management of the late Mr. Scott, Agent for the New England Company, the Methodists have never supplied that Settlement with a resident Missionary or Schoolmaster.

—(6.)—

Query 1st.—The Number of Tribes and of Indians resident within this Province?

Answer.—Mohawks of the Bay of Quinté, Mississaguas of Grape Island, Bay of Quinté, Mississaguas of the Rice and Mud Lakes, Chippewas of Matchedash and Lake Simcoe, Mississaguas of the Credit, Chippewas of the River Thames, Chippewas of Cheneil Ecarté and St. Clair, Munsees, Moravians, Wyandotts, and Drummond Island Chippewas, and Six Nations Indians, are all I know of.

Query 2d.—The Pursuits of each Tribe, with the Number of fixed Locations occupied by the Indians?

Answer.—The Six Nations farm the Land generally in a small Way. Some of them have extensive Farms of 150, 100, and 80 Acres of cleared Land. The greatest Number cultivate Indian Corn, and that is the staple Article of their Food. They likewise hunt Deer in the Fall and Winter Months.

Query 3d.—The Situation of the Locations of the settled Parties, or of Hunting Grounds occupied by the other Indians?

Answer.—The Six Nations are settled on both Sides of the Grand River, from the Cayuga Township Line to the South Line of the Hamilton Road leading into Brantford. They have several small Villages along their Line of Settlement; viz., Onondaga, Tuscarora, Salt Spring Settlement, Martin Settlement, Johnson Settlement, and Mohawk Village, and Cayuga Village. Their Hunting Grounds are their Reserves, and all the unoccupied Crown and Clergy Lands.

Query 4th.—The Extent of the Lands set apart at the different Locations for the Use of the Indians, or of the Hunting Ranges?

Answer.—The Lands of the Six Nations have never been but partially surveyed. The Amount of Acres still retained by them supposed to be about 300,000.

Query 5th.—The Persons employed in the Superintendence of the settled Indians or of the other Tribes, with their Descriptions and Salaries, and a Summary of the Duties they have to perform?

Answer.—Mr. Anderson, Mr. Clench, Mr. Ironside, Mr. Jones, and myself. My Salary is 185*l.* 14*s.* 4*d.* per Annum, and 31*l.* of Lodging Money. The Duties I have to perform are to watch over the Interests of the Six Nations,

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to
Lord Glenelg,
18th July 1837.
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18th July 1837.

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to make out the several Returns of the Station, and to use such Influence as I may have with the Indians in inducing them to adopt such Measures as the Government may from Time to Time suggest to them for their Advantage.

Query 6th.—The Number and Description of the Clergy or Teachers attached to each Tribe or Party?

Answer.—Two Clergymen of the Established Church, a Methodist Missionary, and Four Schoolmasters.

Query 7th.—Whether the Expenses of the Tribe or Party are defrayed from the Parliamentary Grant, or from the Land Payments out of the Territorial Revenue of the Crown?

Answer.—My Salary is defrayed, I believe, from the Parliamentary Grant.

(Signed) JAS. WINNIOTT, S. I. A.

Brantford, 22d May 1837.

No. 38.

(No. 91.)

COPY of a DESPATCH from Sir F. B. HEAD, Bart., K.C.H., to Lord GLENELG.

No. 38.
Sir F. B. Head
to
Lord Glenelg,
24th July 1837.

My Lord,

Toronto, 24th July 1837.

I HAVE the Honour to inform your Lordship that on the 27th instant I propose to leave this Place in order to be present on the 1st of August at the Manatoulin Islands.

During the present State of the Bank Question it is extremely inconvenient to me to be absent from the Seat of Government; but as His Majesty's Government has determined that the Indians resident in the United States should at the Expiration of Three Years cease to receive their accustomed Presents, I feel confident that the King would desire that I should myself explain to those Indians the Reasons which have induced His Majesty to contract His Bounty to those only who live within the Limits of His Dominions.

Your Lordship may depend on my making every Exertion to afford satisfactory Explanation, and as I have always found that the Minds of the simple, virtuous Race I am about to address are open to reasonable Conviction, I am not apprehensive of the Result.

I have, &c.
(Signed) F. B. HEAD.

No. 39.

(No. 92.)

COPY of a DESPATCH from Sir F. B. HEAD, Bart., K.C.H., to Lord GLENELG.

No. 39.
Sir F. B. Head
to
Lord Glenelg,
31st July 1837.

My Lord,

Toronto, 31st July 1837.

I HAVE the Honour to inform your Lordship that I had proceeded to the Vicinity of Lake Simcoe on my Way to the Manatoulin Islands when I was overtaken by an Express from Toronto bringing me private Information of the Death of The King.

Being convinced it was my Duty to return to the Seat of Government, I most reluctantly abandoned my Visit to the Indians, deputing the acting Superintendent of the Department, Mr. Samuel Jarvis, who was accompanying me, to proceed to the Island to explain to the Tribes the Substance of the Communication which I had been commanded to make to them respecting the Presents of the Visiting Indians.

As the Packet of the 24th ultimo has arrived at New York, I expect every Day to receive from your Lordship official Intelligence of the melancholy Event which has so unexpectedly prevented my Visit to the Indians.

I have, &c.
(Signed) F. B. HEAD.

No. 40.

(No. 93.)

COPY of a DESPATCH from Sir F. B. HEAD, Bart., K.C.H., to Lord GLENELG.

No. 40.
Sir F. B. Head
to
Lord Glenelg,
15th August 1837.

My Lord,

Upper Canada, Toronto, 15th August 1837.

24th June 1837.

I HAVE the Honour to submit to your Lordship a Copy of a Memorial (signed by Mr. Harward and by Mr. Egerton Ryerson) which I have received from the President and Ministers of the Wesleyan Methodist Church in Canada, in Conference assembled, as also a Copy of my Reply thereto.

As my Answer to the Reverend Gentlemen who addressed me will sufficiently speak for itself, I will not detain your Lordship by any Observations concerning it; but as regards *their* Communication to *me*, I feel it is proper I should unveil to your Lordship,

1st, The Inaccuracy of its Representations; and,

2dly, The subtle Object of its Prayer.

The Memorial which is the Subject of this Communication declares that the President and Ministers of the Wesleyan Methodist Church in Canada, in Conference assembled, "consider that they should not discharge the important "Duty they owe to the Christian Indians, to a generous Public, and to His "Excellency, were they to neglect respectfully to acquaint His Excellency with "the strong Feeling of Dissatisfaction existing among the Indians in some of "their Mission Stations, and materially retarding the Progress of their Religious and Civil Improvement, as well as diminishing that strong Attachment "to the British Crown which has ever characterized this Portion of our "Population."

The Memorialists, having made these general Assertions, proceed to call my Attention to the particular Causes of what they term this "*unhappy State of Things*," with a Hope that I will adopt such Measures as shall restore the Confidence and tranquillize the Minds of the Indians.

It will I trust be evident to your Lordship, that if the "*unhappy State of Things*" really existed as described the Protestant and Catholic Clergy (who, as well as the Methodist Ministers, are resident among the Indians,) would not have failed to have reported it; but as neither of these Bodies have done so, and as by the Methodist Ministers own showing a Vein of Discontent pervades their Settlements, it follows, that inasmuch as the Complaint exists where the Methodists are, and does not exist where they are not, nothing less than a Miracle can absolve them from the Charge of having themselves created it; and this Theory is strongly corroborated by the Fact, that the very first on the List of Grievances which in the Memorial the Methodist Indians are said to complain of, (namely, the Non-possession of Title Deeds for their Lands,) is the identical Lamentation which many Years ago was brought by the Methodist Ministers before Sir John Colborne, who very properly dismissed it, on the Grounds that if Title Deeds were to be granted to the Indians they would immediately dispose of their Birthrights to designing People, for the merest Trifle that might be offered to them.

The Methodist Ministers in their Memorial to me declare that the Indians "cannot be induced to persevere in the Cultivation of those Reserves and "Grants in which they reside, in consequence of possessing no Documents "whereby said Reserves and Grants can be secured to them and their Children;" but it will I am sure be evident to your Lordship that these are White and not Red Men's Wants; for who ever heard of an Indian meanly caring for the Morrow? who ever heard of his desiring to transmit Arable Land to his Children? and who ever heard of Bodies of Indian Hunters in all Directions moaning for legal "Documents"?

The Methodist Ministers might just as well declare, that when wild Beasts roar at each other it is to complain of the Want among them of Marriage Licences, for Animals understand these "*Documents*" just as well as Indians understand Title Deeds.

The Methodist Ministers in their Memorial declare that the Saugeen Indians have been induced to surrender certain Lands to the Crown, which, in the Opinion of the Indians generally, were not at the Disposal of the Persons who surrendered them.

(93.)

In

No. 40.
Sir F. B. Head
to
Lord Glenelg,
15th August 1837.

In reply to this vague Assertion, I beg leave to inform your Lordship that the Surrender alluded to took place at the Great Council which I attended last Year at the Manatoulin Islands.

The proposed Surrender having been previously explained by me to the Chiefs of the Saugeen Territory, as well as to their Methodist Ministers, it was again formally proposed to them by me in Presence of the assembled Chiefs of all the Tribes at the Council, at which several of the best Orators were present. The proposed Arrangement was then not only again verbally explained by me, but I also explained to the Council that we White People had the Power of placing our Words on Paper; that to prevent any Mistakes hereafter I would make their Interpreters translate aloud what I had that Morning written, in order that the Chiefs might judge for themselves whether or not it accorded with what I had just said; and that for further Security I had prepared One Copy to be kept by me, and One Copy to be kept by them.

The Subject was then discussed and agreed to, without a single Chief or Warrior of any Tribe whatsoever raising the slightest Claim to the Saugeen Territory.

The Saugeen Chiefs (at the Public Council, which was concluded by my formally smoking with them the Pipe of Peace,) made their Marks or Signatures to the Surrender, to which a Wampum was affixed; and when all these Formalities are compared with what has been asserted in the Memorial, your Lordship will be surprised to learn that the Methodist Ministers who were present during the whole Ceremony actually affixed their Signature to the Surrender as Witnesses of the Solemnity of the Transaction.

The following is a List of the Witnesses who signed the Document:—

Thomas G. Anderson, Superintendent Indian Department.
Joseph Stinson, General Superintendent of Wesleyan Missions.
Adam Elliot, Church of England Missionary.
* James Evans, Wesleyan Missionary.
F. T. Ingall, Lieutenant 15th Regiment, Commanding Detachment.
Telford W. Fielde, Dy. Ass^t. Commissary General.

The Memorial of the Methodist Ministers further states, that the Lands which have been granted to certain Bodies of Indians by His Majesty's *late* "Representative in this Province, and on which Improvements have been made, have since been granted to other Persons; and the Indians have been called upon to relinquish their Claim to these Lands, notwithstanding the said Improvements had been made under the Belief that the Lands were, or would be, secured to them and their Children. The Indians have thereby been led to retire into the Wilderness, have been deprived of the Fruits of their Industry, their Children have lost the Benefit of the Schools, and in some Places the System of Religious, Moral, and Civil Instruction in operation among them has been seriously interrupted."

The whole of the foregoing grave Accusations against me are erroneous and groundless. They allude to the Arrangements I made with the Indians at the Narrows and at Coldwater, as also with the Moravian Indians on the Thames, which Arrangements were conducted as follows:

In the course of the inspectional Tour which I last Year made of the Province, I assembled, in the Months of August and September, the Indians at each of these Places, and after explaining to them how much better, in my Opinion, it would be for them to receive Money for their Hunting Ground than to continue on it, surrounded as it was by the White Population, and consequently deprived as it was of its Game, I left them to reflect by themselves on what I had stated. At the Expiration of several Weeks I ordered the Superintendents to bring the Matter again before the Consideration of the Indians, who at their Councils gravely discussed the Subject.

The Chiefs of the Narrows and of Coldwater, after a long Debate, became unanimously of Opinion, that the Offer I had made to their Tribes was advantageous. They accordingly, on the 26th of November, came down in a

* This Mr. Evans is One of the Committee who delivered to me the Memorial which is the Subject of this Despatch.

Body to Toronto to beg me to carry it into effect. An Agreement was accordingly made out and signed by the Chiefs in Presence of the County Members of the Provincial Parliament, and when the Transaction was thus formally closed, the Head Chief, Yellowhead, stepping forward, said to me, "Father, our Children, and our Children's Children, will pray to the Great Spirit to bless your Name for what you have this Day done for us!"

The Moravians, on being assembled by the Superintendent on the 25th of October, split into Two almost equal Parties. The Majority consented to the Arrangement as I had proposed it; the other, which included the Minister, agreed to it, provided I would add to the Bargain some Land which lay between the Road and the River.

Although this Request was very objectionable, yet in an Agreement which, on the 18th of April last, was signed by the Superintendent and Indians in Presence of the County Member, who subscribed as a Witness, I acceded to it. I thus satisfied both Parties, giving to the one more than it asked, and to the other all that it desired; and with respect to the Charge alleged against me by the Methodist Ministers, of having deprived the Indians of their Improvements, I have to state, that at their own Suggestion, and at their own Request, I ordered their Improvements to be regularly valued, and that although in my Opinion they were over valued, I immediately, without the slightest Deduction whatever, paid the whole Amount.

On the 19th of April last, being Six Months after the first Agreement, and the Day after the second Agreement was received, I received from the Moravian Minister a Letter, of which the following is an Extract:

"To His Excellency the Governor Sir F. B. Head, &c. &c. &c.

"Sir,

"Your Agent, Superintendent Clench, having paid us a Visit Yesterday, according to your Excellency's Orders, and is about leaving here this Morning, affords to me an Opportunity of expressing our grateful Feelings in the Name of that Part of our Indian Converts whose Petition to His Excellency has been graciously answered by the Communication made to them Yesterday."

On the 18th of May I received from the Moravian Indians themselves a Communication, of which the following is an Extract:

"Father,

"Your Red Children, the undersigned Tribe of Delawares and Munseys, resident at New Fairfield, Moravian Village, River Thames, whose Petition was graciously granted on the 19th ultimo, do herewith unanimously express their Gratitude to their Father the Lieutenant Governor for that Favour, and hope he may be pleased to continue the same upon his Red Children without Alteration."

The Assertion that the Indians have been deprived of the Rents of certain Islands is also incorrect.

The Methodist Ministers conclude their Attempt to prove the Existence of Disease in my Management of the temporal Affairs of the Indians by proposing a spiritual Remedy, which neither requires nor deserves a Comment, for it is no more or less than that One of their own Body should be created a "*Trustee ex officio in all Deeds of Land granted in Trust to those Indians among whom their Missionaries are or may be employed!*"

Although I invariably repel the repeated Attempts which in all Directions are made by Squatters and others to obtain furtive Possession of the Indian Lands, yet I always feel it is natural, and consequently to a certain Degree excusable, for White Men openly to commit the Sin of cultivating rich Land wherever it is found sleeping by itself in a State of Nature; but when the same Offence is attempted under the Cloak of Religion, when with uplifted Eyes it is urged that "it would be of great Advantage to the moral and religious Improvement of the Indians, and at the same Time be peculiarly acceptable to the real Friends of that interesting People, both in this Province and in England," I entertain Feelings which I will not allow myself to express.

The Wesleyan Methodists have in Upper Canada, as they have in England, earned for themselves the general Respect of the Community, and I can truly state that no one here appreciates their moral Worth and good Conduct more

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Lord Glenelg
15th August 1837.

than I do. They have been and still are firm as well as powerful Supporters of my Government, and are faithfully attached to the Constitution; but the Blow which the Rev. Egerton Ryerson, by his late Misrepresentations in England, successfully struck at the Legislative Council of this Province, has evidently induced him and his Brother Ministers to try the same Experiment upon me, and I therefore deemed it advisable in my Answer to and in my Interview with these Gentlemen to let them perceive very clearly that I had no Desire whatever to conciliate either them, or what they term "a generous Public," but that on the contrary I was ready to attack either the Instant they should presume to meddle with the Duties of my Station.

I need hardly mention to your Lordship that my Reception of the Committee who delivered to me the offensive Memorial (namely, the Rev. W. Ryerson, the Rev. J. Ryerson, the Rev. James Evans, and the Rev. Ephraim Evans, the Editor of the Christian Guardian) had the usual Effect of bringing them very suddenly to Reason; and from their Explanations then, as also from the subsequent Expressions of a most able and excellent Member of their Community, the Rev. Joseph Stinson, General Superintendent of Wesleyan Missions in this Province, I am happy to be enabled to inform your Lordship that the Methodist Ministers have no Intention to publish either their Memorial to me or my Reply, and that they assure me that they have no Desire whatever to interfere with the temporal Concerns of the Indians.

I have, &c.
(Signed) F. B. HEAD.

Enclosure in No. 40.

Enclosure.

To His Excellency Sir Francis Bond Head, Bart., Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

The Memorial of the President and Ministers of the Wesleyan Methodist Church in Canada, in Conference assembled,

Humbly sheweth,

That your Memorialists, having been engaged during several Years in endeavouring to promote the Welfare of the Aborigines of this Country by the Introduction of Christianity, and believing that under the Auspices of a gracious Providence this is the only effectual Means of leading them to Habits of civilized Life, an Object which has ever been represented as the ardent Wish of our beloved Sovereign, and having seen this Portion of our pastoral Charge, through the Divine Blessing, gradually improving in the Knowledge and Practice of the Principles of our holy Religion, consider that we should not discharge the important Duty which we owe to the Christian Indians, to a generous Public, and to your Excellency, were we to neglect respectfully to acquaint your Excellency with the strong Feeling of Dissatisfaction existing among the Indians in some of our Mission Stations, and materially retarding the Progress of their religious and civil Improvement, as well as diminishing that strong Attachment to the British Crown which has ever characterized this Portion of our Population.

Your Memorialists beg to call the Attention of your Excellency to the following Causes of this unhappy State of Things, humbly hoping that your Excellency will be pleased to adopt such Measures as shall restore the Confidence and tranquillize the Minds of the Indians.

1. The Indians at some of the Stations cannot be induced to persevere in the Cultivation of those Reserves and Grants on which they reside, in consequence of possessing no Documents whereby said Reserves and Grants can be secured to them and their Children; our Efforts to promote Habits of Civilization among them are therefore in a great Degree paralyzed.

2. The Saugeeng Indians have been induced to surrender certain Lands to the Crown which, in the Opinion of the Indians generally, were not at the Disposal of the Persons who surrendered them, not only from the Fact that they were not the Proprietors, but likewise that a Declaration of the Indians in Council had been forwarded to the late Lieutenant Governor, containing the deliberate

deliberate and unanimous Decision of the Chiefs assembled from different Tribes, that no Person should have Authority to cede or surrender the Saugueeng Tract without the Sanction of a General Council and the Concurrence of the hereditary and acknowledged Chief; and the late Surrender having in their Opinion been made without such Sanction and Concurrence, they consider it void, and maintain that the Chief of the said Territory is the rightful Proprietor thereof.

3. That the Lands which have been granted to certain Bodies of Indians by His Majesty's late Representative in this Province, and on which Improvements have been made, have since been granted to other Persons; and the Indians have been called upon to relinquish their Claim to those Lands, notwithstanding the said Improvements had been made under the Belief that the Lands were or would be secured to them and their Children. The Indians have thereby been led to retire into the Wilderness; have been deprived of the Fruits of their Industry; their Children have lost the Benefit of the Schools; and in some Places the System of religious, moral, and civil Instruction in operation among them has been seriously interrupted.

4. That certain Islands, which have ever been considered as Possessions of the Indians, and leased by them under the Sanction of successive Administrations in this Province, have, as the Indians are led to believe, lately been declared the Property of the Crown, by which the Indians are deprived of the Rents which may hereafter become due from their Lessees, as well as all future Interest in the Islands.

Your Memorialists humbly and respectfully present to your Excellency the foregoing Statement of the Affairs of several Tribes under the religious Instruction of the Wesleyan Missionary Society. An equitable Adjustment of them we conceive to be ultimately connected with the religious and civil Improvement of those Tribes, and it would doubtless tend in no small Degree to strengthen that Attachment to His Majesty's Government which is essential to their Welfare, and to the Continuance of that Peace and Tranquillity in our Border Settlements by which the British North American Colonies have for many Years been so happily distinguished, when contrasted with the neighbouring Republic.

Your Memorialists would further respectfully submit for your Excellency's Consideration, whether, considering the Sums of Money expended in relation to the Improvement of the aboriginal Tribes of this Country by the Wesleyan Missionary Society in England, and how deeply interested in consequence it is in the Affairs of those Tribes, the Representatives of that Society in Canada could not be beneficially recognized by the Government as a Trustee *ex officio* in all Deeds of Land granted in Trust for those Indians among whom our Missionaries are or may be employed. We respectfully assign as the Reason of this Suggestion, that its Adoption would be of great Advantage to the moral and religious Improvement of the Indians, and at the same Time be peculiarly acceptable to the real Friends of that interesting People, both in this Province and in England.

Signed by Order and on behalf of the Conference,

Conference Room, Toronto,
24th June 1837.

W. M. HARVARD, President.
EGERTON RYERSON, Secretary.

Reverend Gentlemen,

The sacred Duties you have undertaken to perform, and which it is believed unremittingly engross your Attention, are to me sufficient Apology for the Inaccuracy of the Information you offer me respecting the beneficent Arrangements which, with the expressed Approbation of the King, have lately been made by me with some of the Indian Tribes of this Province.

With respect to your Suggestions, that, in order to assist your Efforts to promote Habits of Civilization among the Indians, Patents or Titles to the immense Reserves on which they reside should be granted to them, and that in future an Ecclesiastical Member of your Society should be "*a Trustee ex officio in all Deeds of Lands granted in Trust for those Indians among whom your Missionaries are or may be employed,*" I feel it necessary to inform you I have every Reason to believe,—

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1st. That

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Sir F. B. Head
to
Lord Glenelg,
15th August 1837.
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No. 40.
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Enclosure.

1st. That the King will never consent to the Intervention of any Powers between himself and the Red Aborigines of America ; and,

2d. That His Majesty would especially object to the Principle of committing the temporal Affairs of the Indians to the Ministers of any Christian Denomination whatsoever.

"The strong Feeling of Dissatisfaction" which you assure me exists among the Indians should warn you of the Danger of the Arrangement you propose ; for if such a Feeling can insidiously be implanted in the Minds of this virtuous Race against the Acts of the Representative of a Sovereign whose disinterested Generosity to the Indians cannot be unknown to you, how severely might it be made to fall upon any Band of Christian Ministers who, unmindful of the Admonitions of History, and regardless of the strong Feeling against Ecclesiastical Domination which exists in this noble Province, should be found connecting the temporal with the spiritual Management of their Flock ?

I feel confident that among the enlightened Inhabitants of Upper Canada there exists no Body of Men who will more heartily join in these Sentiments than the Wesleyan Methodists.

(Signed) F. B. HEAD.

No. 41.

(No. 96.)

COPY of a DESPATCH from Sir F. B. HEAD, Bart., to Lord GLENELG.

No. 41.
Sir F. B. Head
to
Lord Glenelg,
22d August 1837.

My Lord,

Toronto, 22d August 1837.

IN my Despatch No. 92. I had the Honour to inform your Lordship that I had proceeded to the Shores of Lake Simcoe on my Way to meet the Indians at the Great Manitoulin Island, when, receiving Intelligence of the Death of His late Majesty, I deemed it respectful as well as necessary to return immediately to the Seat of Government. Previous, however, to doing so I gave to Mr. Jarvis (who, in the Capacity of Acting Superintendent of the Indian Department, was accompanying me) a short Note of the Communication he was to make to the Indians ; and I have now the Honour to transmit to your Lordship a Copy of Mr. Jarvis's Speech to the Council, by which it will appear that the Indians have been clearly and officially informed that at the Expiration of Two Years Presents will no longer be delivered to Indians residing out of the Dominions of Her Britannic Majesty.

In my Despatch of the 20th of November 1836 I mentioned to your Lordship that I conceived it would not be difficult to explain to the Indians the Justice of the proposed Arrangement ; and I am happy to say that Mr. Jarvis informs me my Anticipation has been fulfilled, for that although several Complaints were brought before him at the Council, yet that to the proposed Withdrawal of the Presents no Objections were urged ; and I am happy to inform your Lordship that the Meeting of 3,700 Indians of different Tribes and from various Regions was effected without a single Instance of Disturbance, or even of Intoxication.

With respect to the Reductions which have been ordered by your Lordship to be made in the Indian Department, I have the Honour to state, that I have apprized the following Individuals that their Services will not be required, and that their Pay and Allowances will consequently cease, from the approaching Delivery of Presents to the resident Indians, which will take place as usual in the Month of October :—

1. Joseph B. Clench, Superintendent.
2. George Ironside, Captain.
3. James Winniell, Superintendent.
4. Jacob Martin, Interpreter.

In transmitting to your Lordship a Statement of the respective Services, Pay, and Emoluments of all the Officers of the Indian Department, as also a Copy of a Letter I have received from each of the Four Individuals who have been reduced,

reduced, praying for the benevolent Consideration of Her Majesty's Government I feel it to be my Duty to state that I have had every Reason to be satisfied with the Conduct of those Gentlemen ever since they have been under my Government.

I have, &c.
(Signed) F. B. HEAD.

No. 41.
Sir F. B. Head
to
Lord Glenelg,
22d August 1837.

First Enclosure in No. 41.

Enclosure No. 1.

Address of the Chief Superintendent of Indian Affairs to the Indians assembled in General Council at the Great Manitoulin Island, 4th August 1837.

Children,

When your Great Father the Lieutenant Governor parted with his Red Children at this Place he promised again to meet them here at the Council Fire, and witness in Person the grand Delivery of Presents now just finished.

To fulfil this Engagement your Great Father the Lieutenant Governor left his Residence at Toronto and proceeded on his Way to the Great Manitoulin Island as far as Lake Simcoe. At this Place a Messenger who had been despatched from Toronto overtook him, and informed him of the Death of your Great Father on the other Side of the Great Salt Lake. It consequently became necessary for your Great Father the Lieutenant Governor to return to the Seat of his Government, and hold a Council with his chief Men.

Children,—Your Great Father the Lieutenant Governor has deputed me to express to you his Regret and Disappointment at being thus unexpectedly deprived of the Pleasure which he had promised to himself in again seeing all his Red Children, and in taking by the Hand the Chiefs and Warriors of the numerous Tribes now here assembled.

Children,—I am now to communicate to you a Matter in which many of you are deeply interested. Listen with Attention, and bear well in Mind what I say to you.

Children,—Your Great Father the King has determined that Presents shall be continued to be given to all Indians resident in the Canadas; but Presents will be given to Indians residing in the *United States* only for Three Years, including the present Delivery.

Children, the Reasons why Presents will not be continued to the Indians residing in the *United States* I will explain to you.

1st. All our Countrymen who resided in the *United States* forfeited their Claim for Protection from the British Government from the Moment their Great Father the King lost Possession of that Country; consequently the Indians have no Right to expect that their Great Father will continue to them what he does not continue to his own White Children.

2d. The Indians of the *United States* who served in the late War have already received from the British Government more than has been received by the Soldiers of their Great Father who have fought for him for Twenty Years.

3d. Among the Rules which civilized Nations are bound to attend to there is one which forbids your Great Father to continue to give Arms and Ammunition to Indians of the *United States* who are fighting against the Government under which they live.

4th. The People of England have, through their Representatives in the Great Council of the Nation, uttered great Complaints at the Expense attendant upon a Continuation of the Expenditure of so large a Sum of Money for Indian Presents.

But, Children, let it be distinctly understood, that the British Government has not come to a Determination to cease to give Presents to the Indians of the
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 ———
 Enclosure No. 1.

United States. On the contrary, the Government of your Great Father will be most happy to do so, provided they live in the British Empire.

Therefore, although your Great Father is willing that his Red Children should all become permanent Settlers in this Island, it matters not in what Part of the British Empire they reside. They may go across the Great Salt Lake to the Country of their Great Father the King, and there reside and there receive their Presents, or they may remove into any Part of the Provinces of Upper and Lower Canada, New Brunswick, Nova Scotia, or any other British Colony, and yet receive them; but they cannot and must not expect to receive them after the End of Three Years if they continue to reside within the Limits of the United States.

Children,—I have one thing more to observe to you. There are many Clergymen constantly visiting you for the avowed Purpose of instructing you in Religious Principles. Listen to them with Attention when they talk to you on that Subject; but at the same Time keep always in view, and bear it well in your Minds, that they have nothing to do with your temporal Affairs.

Your Great Father who lives across the Great Salt Lake is your Guardian and Protector, and he only. He has relinquished his Claim to this large and beautiful Island on which we are assembled, in order that you may have a Home of your own quite separate from his White Children. The Soil is good, and the Waters which surround the Shores of this Island are abundantly supplied with the finest of Fish.

If you cultivate the Soil with only moderate Industry, and exert yourselves to obtain Fish, you can never want, and your Great Father will continue to bestow annually on all those who permanently reside here or in any Part of his Dominions valuable Presents, and will from Time to Time visit you at this Place to behold your Improvements.

Children,—Your Great Father the Lieutenant Governor, as a token of the above Declaration, transmits to the Indians a Silk British Flag, which represents the British Empire. Within this Flag, and immediately under the Symbol of the British Crown, are delineated a British Lion and a Beaver, by which it is designated that the British People and the Indians, the former being represented by the Lion and the latter by the Beaver, are and will be alike regarded by their Sovereign so long as their Figures are represented on the British Flag, or, in other Words, so long as they continue to inhabit the British Empire.

Children,—This Flag is now yours; but it is necessary that some One Tribe should take charge of it, in order that it may be exhibited in this Island on all Occasions when your Great Father either visits or bestows Presents on his Red Children. Choose, therefore, from among you, the Tribe to which you are willing to entrust it for safe Keeping, and remember to have it with you when we next meet again at this Place.

Children,—I bid you farewell; but before we part, let me express to you the high Satisfaction I feel at witnessing the quiet, sober, and orderly Conduct which has prevailed in the Camp since my Arrival. There are assembled here upwards of 3,000 Persons, composed of different Tribes; I have not seen or heard of any wrangling or quarrelling among you; I have not seen even One Man, Woman, or Child labouring under a State of Intoxication.

Children,—Let me entreat you to abstain from indulging in the Use of Fire-water. Let me entreat you to return immediately to your respective Homes, with the Presents now in your Possession. Let me warn you against Attempts that may be made by Traders or other Persons to induce you to part with your Presents in exchange for Articles of little Value.

Farewell.

Second Enclosure in No. 41.

STATEMENT of the INDIAN DEPARTMENT in the Province of UPPER CANADA on the 30th Day of June 1837.

Names of Officers and Pensioners.	Rank.	Pay per Annum, Currency.	Amount of Lodging Money.	Period of Service.	Where stationed.	Pensions.	Remarks.
		£ s. d.	£ s. d.			£ s. d.	
Samuel Peters Jarvis	{ Chief Superintendent }	- - -	- - -	{ Appointed 15 June 1837 }	Toronto	- - -	{ Pay and Allowances not yet established.
Joseph B. Clench	- Superintendent -	185 14 4	21 0 0	22 Years	{ Colborne on the Thames.		
George Ironside	- Captain -	185 14 4	31 0 0	6 Years	Amherstburgh.		
Thomas G. Anderson	Superintendent	- 185 14 4	31 0 0	21 Years	Coldwater.		
James Winnieth	- Do. -	185 14 4	31 0 0	3 Years	Brantford.		
William Jones	- { Assistant Superintendent }	111 8 6	17 0 0	6 Years	St. Clair.		
Joseph St. Germain	Interpreter	- 79 1 8	17 0 0	25 Years	Do.		
William Solomon	- - -	79 1 8	17 0 0	21 Years	Penetangueshine.		
Jacob Martin	- - -	45 0 0	17 0 0	2 Years	Brantford.		
James Givins	- { Retired Chief Superintendent }	- - -	- - -	- - -	- - -	371 8 8	
Alexander M'Donell	{ Ditto Assistant Secretary }	- - -	- - -	- - -	- - -	85 3 4	
Timothy Murphy	- { Superannuated Blacksmith }	- - -	- - -	- - -	- - -	99 10 10	
Benjamin Fairchild	Retired Interpreter	- - -	- - -	- - -	- - -	50 0 0	
David Price	- { Do. Storekeeper, Clerk, and Interpreter }	- - -	- - -	- - -	- - -	79 1 8	
Sarah Elliott	- - -	- - -	- - -	- - -	- - -	74 6 0	{ Widow of the late Colonel Elliott.
Hester Hill	- - -	- - -	- - -	- - -	- - -	18 11 5	{ Widow of D. Hill, a Mohawk Chief.
Catherine Brant	- - -	- - -	- - -	- - -	- - -	85 3 4	{ Widow of the late Captain Brant.
James Jameson	- - -	- - -	- - -	- - -	- - -	15 3 4	{ A Warrior wounded in Action.

SAM. P. JARVIS,
Chief Secretary, Indian Affairs, U. C.

No. 42.

(No. 114.)

EXTRACT of a DESPATCH from Sir F. B. HEAD, Bart., K.C.H., to Lord GLENELG.

My Lord,

Toronto, Upper Canada, 18th October 1837.

I HAVE the Honour to transmit to your Lordship a Copy of a Communication I have lately received from a Methodist Missionary named Peter Jones, who is the Bearer to England of a Petition to the Queen from the Indians residing on the Credit River, praying, " that Her Majesty would be pleased " to assure them that their Lands shall not be taken from them," and that their Chiefs may have the Power " to go on dividing their Lands among their " People as their People in Council may think best."

As there does not exist the slightest Disposition on the Part of the British Government to deprive the Indians of their Territories, or any Objection to their continuing to divide their Lands among their People, it becomes necessary that I should explain to your Lordship the latent Object of the Missionary, from whom I need hardly say the Petition has originated.

Mr. Peter Jones, who in the Power of Attorney of which he is the Bearer has the double Title of *Chief* and *Missionary* of the Mississagua Tribe of the Chippewa Nation of Indians, is the Son of an American Surveyor, * * * *

(93.)

Rather

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Sir F. B. Head
to
Lord Glenelg,
18th Oct. 1837.

No. 42.
Sir F. B. Head
to
Lord Glenelg,
18th Oct. 1837.

Rather more than a Year ago he presented to me a Petition in his own Handwriting, and signed by himself and by Two Chiefs, of which the following is an Extract :—

“ That your Petitioners own a Tract of Land at the River Credit, containing between 3,000 or 4,000 Acres of Land, on which they have made some Improvements.

“ That your Petitioners have no written Documents from Government to show that the said Tract of Land is theirs, and they fear, in case of any great Changes taking place in the Province, their Tract of Land will be taken from them ; and whilst this Fear exists in the Minds of the young Men belonging to this Tribe, they feel reluctant to make any great Improvements. Therefore your Petitioners have been instructed by their People to ask their Great Father Sir F. B. Head that he will be graciously pleased to *grant them a Deed* securing to them and their Descendants for ever the whole of the said Tract of Land.”

As the Indians are not in the habit of requesting written Documents, I know perfectly well that this Application for a *Deed* was to serve White Men's and not Red Men's Interests ; besides which, as the Protection and Allegiance between the British Sovereign and the Indians has hitherto most happily existed as an unwritten Code, I had neither Authority nor Disposition to alter the System, and I accordingly informed Mr. Jones that I could not grant the Prayer of his Petition without granting the same to all the other Tribes of Indians, which I was not prepared to do.

A few Months after this Answer had been given I was officially informed by the Chief Superintendent of Indian Affairs that this Missionary Peter Jones had been over the Province making Arrangements for a Radical Meeting of all the Indians in the Province at the Credit Village, where he resides ; I therefore immediately desired Colonel Givins to apprise the Indians that I disapproved of this Meeting, and of the Conduct of the Missionary Peter Jones, who, feeling that this Order would deprive him of his Influence over the Indians, came to me to pray that it might not be promulgated, particularly as he assured me the Meeting should not take place.

I acceded to Mr. Peter Jones's Request. However, on the 1st of May last I received from him another Letter, written and signed by himself alone, praying in the Name of the Credit Indians in Council,

“ That the Advice of the Lieutenant Governor be respectfully solicited on the Subject of the River Credit Indians *selling their Reserve* at the Credit, and of purchasing a Tract of Land from the Canada Land Company somewhere on the Little Thames.

“ The Credit Indians are of opinion that it would be to their temporal and spiritual Welfare to remove from their present Settlement, for the following Reasons ; viz.

“ 1st. The Poorness of the Soil in general at the Credit tends to discourage them from becoming good Farmers.

“ 2d. The living together in a Village whilst endeavouring to follow Farming is attended with much Inconvenience and Loss of Time.

“ 3d. The evil Example of many of the White People around them greatly exposes them to the Temptation of drinking spirituous Liquors, and of committing other Vices.

“ 4th. That in their Opinion, if they were to settle on some good Tract of Land, many of the young Men who are now spending their Time in Idleness would be induced to work.

(Signed) “ PETER JONES.”

As the Indian Settlement of the Credit was one to which my Predecessor had devoted especial Attention, as it was said to be the most flourishing, and to possess the singular Advantage of an Indian Missionary married to a London Lady, I was much surprised at receiving in the Handwriting of the Missionary himself an official Confirmation of what I had already stated to your Lordship, namely, that Village Life is not suited to the Red Aborigines of America, and is productive of Vice and Misery ; however, knowing quite well that Mr. Jones's Object in selling the Land at the Credit was to obtain Possession of a *Deed* for other

other Land, I was prepared to disapprove of the Petition, when I learned that Mr. Peter Jones had begged to recall it.

The next Petition I received, from quite a different Quarter, proposed that Peter Jones's *Brother* (John Jones, who is one of the Signers of the Petition to the Queen of which Peter Jones is now the Bearer,) should be invested with the whole of the Property of the Coldwater Indians! The following is a Copy of this singular Document:—

“ Coldwater, 10th June 1837.

“ John Jones and Benjamin Crane state, that at a Council of the Indians of Coldwater held on the 1st of June 1837, and assembled in the usual Manner, John Aisanie (a principal Chief) got up to speak, and having said that he had a long Time ago raised John Jones to be a Chief, he stated that he himself was now poor, and he wished to make every thing at Coldwater over to John Jones, that he might have the ordering of every thing, and if any one should wish to buy any thing they must go to him John Jones.

“ John Aisanie then asked the young Men, Does this please you ; are you willing that this should be so? and they all answered, Yes.

“ He then further requested them all to be industrious, and to work as they should be ordered by John Jones, and that if they should be disobedient and would not work, that he John Aisanie should be informed of it.

“ Now, my Father, said John Jones, I wish you to confirm what John Aisanie has settled with us. I will try to do Good, and it will be for the Good of us all.”

Shortly after I felt it necessary to refuse the above Request of John Jones, his Brother Peter Jones got up the Petition to the Queen, and also the Power of Attorney, of which he is at this Moment the Bearer to England, and both of which, I need hardly point out to your Lordship, are couched in legal Language, which to Indians is incomprehensible.

The Missionary Peter Jones had hardly reached New York, on his Way to your Lordship, when there arrived at Toronto a Body of Chiefs from Munsee Town, a different Portion of the Province, with the following Complaint, which was committed to Writing :—

“ We (the Munsee Chiefs) have been much alarmed lately by receiving a Letter from the Methodist Missionary, George Henry, who claims Walpole Island, who stated to us that the Governor had seized upon that Island, that we must look about us sharply, for in all probability our Land on the Thames would be taken from us in the same Way.

“ Our young Men are all alarmed, uneasy, and discontented, being under an Apprehension that we have *no Title* to the Lands, and that we shall be dispossessed, and therefore the young Men *wish to have a Deed*.

“ Wawanosh is to be sent to England, and he and the Missionaries have been among us, and endeavoured to persuade us to sign a Petition to the King. This we have refused to do, but told them we would come down and see our Father Face to Face, as we are not afraid to look him in the Face. The Missionaries told us that the Governor held the whole Province by right of Conquest, and that they would occupy the Indian Lands when they pleased. This Right all Indians are unanimous in denying.

“ The English conquered the French, not the Indians. The Indians fought with the English against the French.

“ We therefore wish to hear from our Father himself what is the Truth,—whether we are secure in our Villages and Territories or not.”

On receiving these Chiefs I had great Pleasure in explaining to them that their Arguments were just and their Fears groundless ; I also at some Length warned them against listening to those who should advise them to mistrust the parental Government of their Sovereign.

The Chiefs retired from my Presence, and the next Day, coming again before me, the senior Chief addressed me as follows :—

“ Father, we came here trembling, we go back firm ; we came here mourning, we return rejoicing ; and our young Men will also rejoice when we tell them what we have heard from your Mouth. We were told that if we came here our Great Father would not see us, but we have stood before him ; he has given us his whole Hand, and we return happy.”

Having now laid before your Lordship an Outline of the Proceedings of the Methodist Missionary Peter Jones, it only remains for me very shortly to explain

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explain to your Lordship, that ever since I have assumed the Government of this Province I have been constantly resenting the Attempts of the designing to get Possession of the Indian Lands.

These Requests are never made openly and avowedly for the Benefit of the Applicants, but they invariably pretend to be for the Welfare of the Souls or Bodies of the poor Indians; and it is generally argued with plausible Sophistry, that the Red Men of the Forest would be materially benefited if they could but receive Title Deeds for their Lands.

No Objection is ever made by me to a Tribe of Indians dividing their Lands amongst themselves in any way they may think proper, either for the Purpose of Hunting or Cultivation; but this does not suit Mr. Jones and others, who desire that they should receive transferable *Deeds*; and I have no Hesitation in saying, that if these Deeds were once to be granted to the Indians their whole Territory would in a very short Time become the Property of

“ Ces gens qui, par une ame à l'interet soumise,

“ Font de devotion metier et marchandise;

“ Ces gens dis-je, qu'on voit d'une ardeur non commune

“ Par le chemin du ciel courir à leur fortune.”

I can assure your Lordship that if the Missionaries are admitted into the Colonial Office as Land Agents the greatest possible Difficulties will accrue to the Indians in this Province, as well as to the Lieutenant Governor; and I therefore trust that Mr. Peter Jones will be referred by your Lordship to the Executive Government of Upper Canada, which has never yet neglected its Duties towards the Indians.

I have, &c.

(Signed)

F. B. HEAD.

Enclosure.

Enclosure in No. 42.

Sir,

Toronto, 10th November 1837.

The Mississagua Tribe of Indians of the Credit are desirous of availing themselves of the Opportunity of my Journey to England to present their Petition to the Throne in respect to their Lands at the Credit. They have furthermore constituted me their Agent for the Prosecution of their Views; and I feel it my Duty, therefore, to enclose Copies of the Petition and Power which I carry with me to England, and which I beg you will have the goodness to lay before His Excellency. I will at the same Time state, for the Information of His Excellency the Lieutenant Governor, that the chief Objects which the Tribe have in view are, first, to obtain an express Recognition of their Lands at the Credit by a public Instrument, assuring the same to them and their Posterity for ever, with Power to divide their Lands among themselves, the Tribe being at present under an Apprehension that without this Assurance their Lands may at some future Day be taken from them, and this Apprehension operates as a powerful Check on their Industry, as well as the Improvement of their moral Condition. My Object, as their Agent, in the next place, will be to procure for the Tribe the Payment of the Arrears which they conceive are their just Due, and for the Payment of which their Applications to the Executive Government have been hitherto unsuccessful.

I have now to request you will do me the Honour to acknowledge the Receipt of this Communication, as also of the Papers accompanying the same.

I have, &c.

John Joseph, Esq.

(Signed)

PETER JONES.

&c. &c. &c.

To Her most Gracious Majesty Victoria, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

The humble Petition of the undersigned Sachems, principal Chiefs, and Warriors of the Mississagua Tribe of the Chippewa Nation of Indians of the River Credit in the Home District in the Province of Upper Canada, on behalf of themselves and the People of the said Tribe.

May it please your Majesty,

We are the Descendants of the original Inhabitants of the Soil, who formerly possessed this their native Country in Peace and Harmony long before the French

French (the ancient Enemy of our People) came over the great Waters, and settled upon our Territories. Then your People came too, and with great Valour drove away the French, and took Quebec; and the British Colours have ever since waved over the Land of our Forefathers.

We have been happy and contented to live under the Protection of such a great and powerful Empire, and we acknowledge, with Gratitude to the Great Father of all, the Good we have enjoyed under British Government. Our People have been civilized and educated, and the Gospel of Jesus Christ has been preached to us. We have also learned the Ways of the White People. They have taught the Children of the Forest to plough and to sow. Our People are now very few in Number; the White People have settled all around us. But our Great Father King George the Third allowed us to reserve a Tract of Land at the River Credit, and the Parliament of this Nation has acknowledged this Tract to be our own, and has forbid the White People from disturbing our Fisheries. Our good Queen will be pleased to hear that many of our Children have been taught to read and write. Some Time ago our People in Council said it was proper now to divide the Land, so we gave some of them small Farms of about Fifty Acres to be held by them and their Posterity for ever. Our People have begun to improve their Farms; they wish to sell the Produce at Market, and buy Goods from the White People; but they are afraid to clear much Ground, because they are told by evil-minded Persons that their Farms can be taken away from them at any Time. These People say the Land is not our own, but belongs to Your Majesty. Did Your Majesty buy it from us or from our Forefathers? We know that our People in Times past have sold Lands to our late Father the King, but we never sold our Lands at the Credit.

Will your Majesty be pleased to assure us that our Lands shall not be taken away from us, or our People, who have begun to cultivate their Farms; and will your Majesty be pleased to permit us to go on dividing our Lands among our People as our People in Council think best. Our People and our Children then will continue to cultivate the Wild Lands of our Forefathers, and will be contented and happy; and will pray that your Majesty may long live and reign over our People, as their most Gracious Queen and Sovereign.

And your Petitioners as in Duty bound will ever pray.

In Council, at the River Credit,
the 4th Day of October 1837.

(Signed)

NAWAHJEZHEGWABY.

Joseph Sawyer.

MANOONODING.

James Chechok.

PIPOONNAHBA.

James Young.

KEZHEGOWININE.

David Sawyer.

TYENTENNEGEN.

John Jones.

NAWAHJEZHEGWABY.

John Campbell.

PAMEGAHWAYAHSING.

Isaac Henry.

MASQUAHZEGWUNA.

Moses Pahdequong.

LAWRENCE HERCHMER.

Negahnub.

SASWAYAHSEGA.

Thomas Magee.

MAHYAHWEZHEGWABY.

John Kezhegoo.

(Signed)

OOMINWAHJEWUN.

William Herchmer.

KANAHWAHBAHMIND.

William John.

PAMEJEWAHNWABY.

John Peter.

CHEWUNOOKA.

John M^cCollum.

NANINGAHSEGA.

William Jackson.

PAHOOMBAWINDUNG.

Thomas Smith.

AHZHAHWAHNAHQUAHDWABY.

Peter Olds.

ZAWASING.

James Tawash.

ANEWAHLOOSE.

John Wesley.

MORKJEWUNOOKA.

George King.

NAHWAHQUAHYAHSEGARA.

Samuel Finger.

No. 42.
Sir F. B. Head
to
Lord Glenelg,
18th Oct. 1837.

Enclosure.

No. 42.
Sir F. B. Head
to
Lord Glenelg,
18th Oct. 1837.

Enclosure.

Know all Men by these Presents, That we the principal Sachems, Chiefs, and Warriors of the Mississagua Tribe of the Chippewa Nation of Indians, residing at the Credit in the Home District in the Province of Upper Canada, having full and entire Confidence in the Zeal and Interest hitherto manifested by our revered Chief and Brother the Reverend Peter Jones, Missionary, in the Welfare of our Tribe, have, as well on the Behalf of all our People of the aforesaid Tribe as also on our own Behalf, constituted and appointed, and by these Presents do in General Council this Day assembled at our Council House at the Credit constitute and appoint, the said Peter Jones our true and lawful Attorney and Agent for us and our People, and in our Names and on our behalf to confer with, negotiate, arrange, adjust, and settle with Her Majesty's Government, and whomsoever else it doth, shall, or may concern, all manner of Contracts, Bargains, Settlements, Balances of Account, and all other Matters and Things touching or in anywise concerning our Lands, Affairs, and Business in the Province of Upper Canada, and touching and concerning all Matters and Things whatsoever which now are or shall hereafter be depending between our said Tribe and Her Majesty's Government, or in anywise relating thereto; and whatsoever our said Attorney and Agent shall do in the Premises we do hereby for ourselves and our said People promise and agree to allow, ratify, and confirm, hereby giving unto the said Peter Jones full Authority to act in the Premises.

In witness whereof we have hereunto set our Hands and Seals in Council at our Council House at the Credit the Fourth Day of October in the Year of our Lord One thousand eight hundred and thirty-seven, and in the First Year of Her Majesty's Reign.

(Signed)

NAWAHJEGEZHEGWABY.

Joseph Sawyer.

MANOONOODING.

James Chechok.

PIPOONAHBA.

James Young.

KEZHEGOWININE.

David Sawyer.

TYENTENNEGEN.

John Jones.

NAWAHJEGEZHEGWABY.

John Campbell.

PAMEZAHWAYAHSING.

Isaac Henry.

MASQUAHZEGWUNA.

Moses Pahdequong.

LAWRENCE HERCHMER.

Negahnub.

(Signed)

SASWAYAHSEGA.

Thomas Magee.

MAHYAHWEGEZHEGWABY.

John Kezhegoo.

KANAHWAHBAHMIND.

William John.

OOMINWAHJEWUN.

William Herchmer.

PAMEJEWAHNWABY.

John Peter.

CHEWUNOOKA.

John M. Collum.

NANINGAHSEGA.

William Jackson.

PAHOOMBABWINDUNG.

Thomas Smith.

AHZHAHWAHNAHQUAHDWABY.

Peter Olds.

No. 43.

No. 43.
Sir F. B. Head
to
Lord Glenelg,
3d Nov. 1837.

(No. 120.)

COPY of a DESPATCH from Sir F. B. HEAD Bart., K.C.H., to Lord GLENELG.

My Lord,

Upper Canada, Toronto, 3d November 1837.

WITH reference to my Despatch, No. 114., of the 18th ultimo, on the Subject of the Mission to England of the Wesleyan Missionary Mr. Peter Jones, I beg to transmit to your Lordship the accompanying Documents.

I have, &c.

(Signed) F. B. HEAD.

Dear Sir,

Colborne-on-Thames, 24th October 1837.

The principal Chiefs of this Place requested me to write their Words to you, that you may be pleased to repeat them to his Excellency their Father.

Father,

When we returned Home after hearing the good Words from your Lips we endeavoured to restore Peace in our Village, but we are grieved to tell you without Effect, in consequence of the bad Influence of the Methodist Missionary, who is endeavouring to poison the Minds of our young Men, Women, and Children against ourselves and the Government. He is about sending Two of his Emissaries to you with Falsehood on their Tongues to report our Conduct. Their Names are John Tom-a-coo and John Riley. They will tell you they are Chiefs, but they are not; they would have been until this Day had we not stripped them of their Titles for Misconduct. Therefore we pray you will not pay any Attention to what they say, for they have no Voice in our Councils. Riley has just returned from the St. Clair, where he has been counselling with Wa-wa-nosh the Methodist Chief, the Result of which is that Wa-wa-nosh will be prepared to go to England next Spring, when Tom-a-coo, Riley, and One other, whose Name we do not know, from the Saukink, will accompany him with a Petition against you to our Great Parent.

We further pray, Father, you will assist us to remove Mr. Waldron from our Village, as he is the Cause of all our Troubles. We do not wish our Father to think we will be without a Minister, nor that we do not love Religion; we have the Reverend R. Flood of the Church of England, who visits us once a Fortnight, and teaches us the Religion of our Great Parent, which we know must be good. Even our Pagan Brethren have opened the Door of their Schoolhouse, and have listened unto his Words, and are much pleased.

CANOTING (*his Mark*).

MAS-KAN-OON-JE (*his Mark*).

MUS-KO-KOO-MON (*his Mark*).

WEM-TA-GOSHE (*his Mark*.)

CHICKEN-MAS-KAN-OON-JE (*his Mark*).

YAW-BANCE (*his Mark*).

Samuel P. Jarvis, Esq.
&c. &c. &c.

F. DILLON.

Sir,

Purbrook, Medonte, 4th Sept. 1837.

We the undersigned Chiefs of the Indians living at and near the Villages of Coldwater and Orillia return Thanks for the 150*l.* sent to us for the Use of the aforesaid Indians.

But in order that no Part of the Money may be unaccounted for or otherwise misspent, we humbly request His Excellency not to intrust it to any Persons but the undersigned, or some one authorized to receive the same.

Signed this 4th Day of September 1837.

JOHN ESSENS (*his Mark*).

YELLOW HEAD (*his Mark*).

JOSEPH PELLETIER (*his Mark*),
Interpreter.

Samuel Jarvis, Esq.
&c. &c. &c.
Indian Department, Toronto.

Attested before me, at the Time and Place.

ELMES STEELE, Q. P.

No. 44.
Sir G. Arthur
to
Lord Glenelg,
31st Oct. 1838.

No. 44.
(No. 81.)

COPY of a DESPATCH from Sir G. ARTHUR, K.C.H., to Lord GLENELG.

My Lord,

Government House, Toronto, 31st October 1838.

I HAVE the Honour to acknowledge your Lordship's Despatch, No. 136., of the 31st August, enclosing the Copy of a Letter from Mr. Busk, applying in behalf of the New England Company for certain Lands in Upper Canada, to be held in Trust for the Indians, under the Superintendence of that Company.

The Land in question your Lordship must understand is already Part of the Indian Grant; and as many of the Indians are now very intelligent People, and have a very acute Regard for their own Property, it is prudent as well as proper that they should be consulted in this Matter.

In the Month of September last I visited the Six Nation Indians. I met their Chiefs in Council, heard a whole Catalogue of Requests and Grievances, and promised them that if I remained in the Province I would enter most fully into their Case, and would allow none of their Lands to be thenceforth alienated or disposed of in any Manner without previously consulting them.

I availed myself of the Opportunity of seeing the Residences of the Rev. Mr. Nelles and the Rev. Mr. Elliott, the Missionaries of the New England Society, and with the former Gentleman especially I had a long Conference; and having discussed such Points as appeared most important, and desiring more minute Information, I addressed to the Missionaries on the Spot the Letter of which a Copy is enclosed.

Your Lordship will perceive that I have associated with them the Reverend Mr. O'Neil, a most valuable Minister of the Church of England, who has been in this Province about Three Years (employed by the Upper Canada Society for converting and civilizing the Indians), and has travelled through every Part of it.

This Union appeared to me desirable, because the resident Ministers, although I believe most excellent Persons, have been long accustomed to see Things *as they are*; and it will be satisfactory to themselves that the State and Condition of the Indians should be investigated by a disinterested Person, for whom they entertain a great Respect.

I visited many of the Houses of the Indians, and found them by no means so comfortable or well provided for as I could wish, or indeed as I think they ought to be; and I must at the same Time candidly say, although I saw much that pleased and gratified me, it did not strike me that the Work of Instruction was advancing commensurate with the Expense.

I saw many Children at the Indians Doors in the immediate Neighbourhood of the Mission whom I thought ought to have been in School; but then the Missionaries may have Difficulties in inducing the Parents to send them for Instruction, and that which to a passing Observer might seem to indicate a Want of Energy may in reality have been an Object of the deepest Concern and Anxiety.

It was about this present Time that I was by Appointment to have returned to the Six Nation Indian Missionary Station, but other Cares now press upon me, and I must necessarily defer that very interesting Pursuit.

This excellent Society I am persuaded desire only to promote the Welfare and Happiness of the Indians; but there are some other Parties who have been applying to your Lordship, of whose Motives I have a less favourable Opinion; and my only Safety in advising your Lordship, or in acting rightly myself, is to get to the Foundation, and to pursue the same Course towards all those who desire to take a Part in the Affairs of the Indians, let their Motives be what they may.

Whilst I am reluctantly postponing to recommend your Lordship to acquiesce in the apparently reasonable Request of the New England Society, it is a little ungracious to ask a Favour of them; but I wish very much that they would extend their Benevolence to the Appointment of another Missionary on the
Grand

Grand River, to be stationed amongst the Cayuga Indians, which would bring the whole of the Six Nations under their Religious Instruction in that Portion of the Province.

I have, &c.
(Signed) GEO. ARTHUR.

No. 44.
Sir G. Arthur
to
Lord Glenelg,
31st Oct. 1838.

Reverend Sirs,

Brantford, 19th September 1838.

Enclosure.

Last Week, during my Visit to the Six Nation Indians, a few Circumstances came under my Observation to which I wish to call the Attention of the Church of England Missionaries stationed at Mohawk and Tuscarora Villages; and in forwarding any Plan for the temporal and spiritual Improvement of this interesting People you may be always assured of my Sanction and Support.

On my Way up the Grand River I visited some Indian Families, and found them suffering from Fever and Ague, without the Prospect of Medical Advice. Upon Inquiry I learned that Disease had made great Ravages amongst them; and I have therefore given Directions that a Physician be immediately appointed, whose Time and Attention shall be exclusively devoted to the Indians along the Grand River. You will be pleased to inform the Indians that this Want is supplied.

The Education of their Children appeared to me in the next place to require immediate Attention. Deplorable as the Condition of the untutored Heathen has generally been, the Case of these Indians (particularly Cayugas, Onondagoes, and Senecas), if they do not send their Children to the Schools, will be much worse. This Subject cannot be too frequently urged upon the Parents; and though the Matter doubtless has been brought before them in your public and private Ministrations, I thought it of so much Consequence as to make it Part of my public Charge to the Heathen and Christian Chiefs assembled in Council on Saturday last; and I now request you, and the Rev. Mr. Elliott and the Rev. Mr. O'Neil, to tell all the Indians that nothing can benefit them more, or be more pleasing to the Head of the Government, than to comply with this Advice.

In the third place, you will be pleased to request the Pagan Chiefs to bear in mind the Hope expressed in my last Words to them, "that the Period was not far distant when they would all become Christians, as I am."

If they comply with this, the most important of all my Requests, I make no doubt that the New England Company will, at my Desire, build a Church, and send a Clergyman to the Cayugas, as they have done for the Mohawks and Tuscaroras.

I have heard with the deepest Regret that several Indians are in Habits of Intemperance in the Town and Neighbourhood of Brantford, and should be glad of any Suggestion to remedy this most grievous Evil. I intend to address a Letter to the Magistrates upon the Subject.

I have requested the Rev. Mr. O'Neil to co-operate with you in all these Matters, and I am persuaded you will readily avail yourselves of his valuable Assistance.

I have, &c.

The Rev. Messrs. Nelles and Elliott,
Missionaries, &c. &c.

(Signed) GEORGE ARTHUR.

To the Treasurer of the New England Company.

Sir,

Downing Street, 7th Dec. 1838.

With reference to Mr. Busk's Letter of the 24th August, on the Subject of the Lands in Upper Canada which the New England Company are desirous of obtaining in Trust for the Indians under their Superintendence, I am directed by Lord Glenelg to transmit to you, for the Information of the Company, the enclosed Copy of a Despatch from Sir G. Arthur, reporting on the State of those Indians, and explaining the Reason of his being compelled to suspend his Judgment as to a Compliance with the Company's Request.

I am further directed to call the particular Attention of the Company to Sir G. Arthur's Suggestion, that another Missionary should be sent out by them to take charge of the Cayuga Indians at the Grand River, and to state Lord Glenelg's Hope that it may be in the Power of the Company to accede to this Proposition.

I have, &c.

(Signed) GEO. GREY.

(93.)

No. 81. 31st October

No. 45.
Sir G. Arthur
to
Lord Glenelg,
14th Feb. 1839.

(No. 28.)

COPY of a LETTER from Sir GEORGE ARTHUR, K.C.H., to Lord GLENELG.

My Lord,

Toronto, Upper Canada, 14th Feb. 1839.

WITH reference to my Despatch of the 31st of October, No. 81, I have the Honour to acknowledge the Receipt of your Lordship's of the 8th of November No. 164., wherewith has been transmitted a Copy of a further Communication from the Treasurer of the New England Company, pointing out a Distinction which, in their Opinion, exists between the Lands which they seek to obtain as Trustees for the Indians in Upper Canada, and those for the Regulation of which the Provincial Act of 1837 was passed.

As I have directed the whole Subject of Indian Affairs to be thoroughly investigated by Mr. Tucker, the Provincial Secretary, I shall refer to him Mr. Gibson's Memorandum, to be placed with the other Documents already in his Hands. When furnished with Mr. Tucker's Report I shall be better able to form a right Estimate of the Claims of the New England Company; and your Lordship may be assured that they will receive from me, at the earliest Period, every Consideration to which they may be entitled.

I have, &c.
(Signed) GEO. ARTHUR.

No. 46.
Sir G. Arthur
to
Lord Glenelg,
27th Feb. 1839.

(No. 45.)

COPY of a DESPATCH from Sir G. ARTHUR, K.C.H., to Lord GLENELG.

My Lord,

Toronto, Upper Canada, 27th February 1839.

I HAVE the Honour to acknowledge the Receipt of your Lordship's Despatch of the 22d of December last, No. 186, enclosing a Copy of a Letter to Sir George Grey from the Treasurer to the New England Company, on the Subject of the Land which they are anxious to obtain in Trust for the Indians in Upper Canada, and written in answer to my Despatch of the 30th of October, No. 81, whereof your Lordship had caused a Copy to be transmitted to the Company.

In my Despatch of the 14th instant, No. 28, I informed your Lordship that I had directed all the Documents having reference to Indian Affairs to be placed in the Hands of Mr. Tucker, the Provincial Secretary, with a view that he might report upon them. The Attention of Mr. Tucker being now called to other Duties, the Task of proceeding with the Report has been consigned to the Hon. Mr. Justice Macaulay, who takes a great Interest in the Subject, and is well qualified to do Justice to it.

It is my Intention to suggest a Plan for remodelling the whole Indian Department, at the earliest Opportunity; and when Mr. Justice Macaulay's Report is laid before me I shall be better able than I am at present to form an Opinion as to my Power to meet the Wishes of the New England Company.

I have, &c.
(Signed) GEO. ARTHUR.

NOVA SCOTIA AND NEW BRUNSWICK.

From LORD GLENELG.

No. 47.

(No. 115.—No. 172.)

COPY of a DESPATCH from Lord GLENELG to Major Generals Sir C. CAMPBELL
and Sir J. HARVEY.

Sir,

Downing Street, 22d August 1838.

I HAVE to request that you will, at your early Convenience, furnish me with a Report on the State of any of the aboriginal Inhabitants who may still exist in the Province under your Government, showing their Number and present Condition; the Increase or Decrease which has during the last few Years occurred among them; their moral State, and any Efforts which have been made for their Civilization; the Proportion settled on the Land and cultivating it, and the Numbers who still adhere to the Habits of savage Life; the Amount, if any, of Property belonging to them, and the Effect of any Local Statutes which may have been passed for their Government. I would request you to add to this Report any other Information which you may consider important, and more especially to favour me with any Suggestions as to the Measures which would be best calculated to ameliorate the Condition of these People.

I have, &c.

(Signed) GLENELG.

No. 47.
Lord Glenelg
to
Sir C. Campbell
and
Sir J. Harvey,
22d August 1838.

PRINCE EDWARD'S ISLAND.

From Lord GLENELG and Sir C. A. FITZ ROY.

No. 48.
Lord Glenelg
to
Sir C. A. Fitz Roy,
2d August 1838.

(No. 60.)

No. 48.

COPY of a DESPATCH from Lord GLENELG to Sir C. A. FITZ ROY.

Sir,

Downing Street, 2d August 1838.

I TRANSMIT to you herewith the Copy of a Petition to Her Majesty from a Chief of the Micmac Tribe of Indians resident in Prince Edward's Island, which has been placed in my Hands by Mr. Cooper. Without fuller Information than I possess on this Subject it is impossible for me to advise Her Majesty as to the Answer to be returned to this Petition. I have therefore to request that you will furnish me with a full and detailed Report on the State of the Indians who may be resident in Prince Edward, pointing out the Measures which, in your Opinion, would most conduce to their Well-being, and to the Improvement of their moral and social Condition.

Sir C. A. Fitz Roy.

I have, &c.
(Signed) GLENELG.

Enclosure.

To The Queen's most Excellent Majesty.

May it please Your Majesty.

The Petition of the undersigned, a Chieftain of the Micmac Tribe of the Indian Inhabitants of Prince Edward's Island, in British North America ;

Most respectfully sheweth,

That in former Times our Fathers were the Owners of this Island, and fully enjoyed their acquired Resources thereof until they were visited by People of the French Nation, who taught them Religion and the Duties of civilized Life ; after which, by a Treaty entered into by that Nation with Your Majesty's Government, our People became British Subjects ; since which our Tribe has been deprived of their Hunting Grounds, without receiving any Remuneration for the Loss they sustained, by which Privation and Want have reduced our once numerous Tribe in this Island to a Skeleton of Five hundred Individuals, who collectively are not inferior to any other Denomination of Your Majesty's Subjects in a strict Adherence to moral Honesty, or in an invincible Attachment to Your Majesty's Person and Government.

That our People duly value the Benefits resulting from a steady Application to Farming Pursuits, and a settled Mode of Life ; thereby has made frequent Applications to the House of Assembly of this Island to obtain a Grant of Land on which our People could permanently reside without Fear of Molestation, a Favour, though earnestly sought, is yet denied us ; thereby our People are still compelled to wander in the Forest as an unprotected neglected Race of the Human Species, unworthy to enjoy the Patronage or Favour of those vested with Authority.

Therefore

Therefore Your Petitioner humbly beseeches Your Majesty to be graciously pleased to instruct Your Majesty's Representative in this Colony to procure for our People a permanent Location on a Tract of Land in this our native Island, on which we may reside and cultivate without Fear of Removal or Molestation ; for which, as in Duty bound, Your Majesty's Petitioner and People shall ever pray.

Prince Edward's Island, May 1838.

OLIVER THOMAS LE BONE.
his ✕ Mark.

Signed in our Presence { C. LETTLE.
J. ARBUCKLE.
EDWARD DUNN.

No. 48.
Lord Glenelg
to
Sir C. A. Fitz Roy,
2d Augst 1838.

Enclosure.

No. 49.

(No. 37.)

COPY of a DESPATCH from Sir C. A. FITZ ROY to Lord GLENELG.

Government House, Prince Edward Island,
8th October 1838.

My Lord,

IN compliance with the Desire expressed in your Lordship's Letter of the 2d August, No. 60., that I should furnish your Lordship with a full and detailed Report of the State of the Indians resident in this Island, pointing out the Measures which in my Opinion would most conduce to their Well-being, and to the Improvement of their moral and social Condition, I have the Honour to inform your Lordship that the Indians who reside on this Island form a very small Portion of the once numerous Micmac Tribe, the aboriginal Inhabitants of that Part of British North America out of which these lower Provinces have been formed, and of which Tribe the Remnant is now scattered over the Colonies of New Brunswick, Nova Scotia, Prince Edward Island, and the Island of Cape Breton. From the best Information within my Reach, I do not believe that the Number on this Island exceeds 200 Individuals, although it is difficult to ascertain this with any Precision, as well on account of the roaming Disposition of this People as that their Numbers fluctuate from their constant Intercourse with the Mainland. From their Habits of Intemperance, and other Causes, their Numbers are rapidly decreasing ; and, with few Exceptions, they are sunk to the most abject and degraded State to which I should conceive it possible for Human Beings to arrive.

Although this Tribe was many Years ago converted to the Roman Catholic Religion, which Faith is professed by the Portion which inhabits this Island, I cannot ascertain that much Effort has been made to reclaim them from their wandering Habits, or to induce them to fix themselves at any one Spot ; the utmost Advance which they have made towards Settlement or Tillage being confined to the rough Cultivation of a few Potatoes by the small Number who remain stationary during the Summer Months ; the Remainder subsist by hunting, fishing, making Baskets and Toys of Birch Bark, and begging in Charlotte Town and among the Settlements. No Provision appears to have been made, when the Island was originally so improvidently granted away, for the Reservation of any Lands for the Use of these poor People, nor has any Application been made in their Behalf since I arrived in the Colony ; but Humanity demands that some Steps should be taken, in order that when the Island becomes fully settled, and when they will be of Necessity precluded from rambling to and fro, as they are now suffered to do unmolested, throughout the Island, they may have some Spot secured to them where the small Number which will in all probability then remain may be enabled to subsist. It would be useless to endeavour to settle them on any of the ungranted Lands of the Colony. The Quantity remaining at the Disposal of the Crown does not amount to more than 12,000 Acres, and these of an inferior Description, and it is dispersed in various Situations in small Allotments, so that a sufficient Quantity could not be found in one Place which could be rendered available for the Purpose, even if there were no other Objections ; but there is a small Island situated on the North-west Coast of Prince Edward's Island, lying between

(93.)

Richmond

No. 49.
Sir C. A. Fitz Roy
to
Lord Glenelg,
8th Oct. 1838.

No. 49.
Sir C. A. Fitz Roy
to
Lord Glenelg,
8th Oct. 1838.

Richmond and Goodwood Bays, called Lennox Island, the Property of Mr. David Stewart, which the Indians have long considered as their own, and on which they have built a Chapel, and where they have from a very early Period buried their Dead. I believe if they could have this Island secured to them, either by a voluntary Grant from the Proprietor, or by the Government purchasing it for their Use, it would not only meet their utmost Wishes, and render them perfectly contented, but, by offering them an Inducement to remain stationary, afford a fair Opportunity for any Efforts at improving their moral and social Condition. Any Attempt of this Nature in their present State, I am convinced, would be wholly thrown away. Mr. Stewart has, I understand, always expressed a Desire that the Indians may not be disturbed on Lennox Island; but a future Proprietor may have different Views, and I therefore think it very desirable that they should feel themselves secure in the Possession of it as their own Property. I am convinced they would prefer it to any other Spot that could be selected for them; and I believe it would even now be very difficult to induce them to leave it or to give it up, except by Force. Should Mr. Stewart object to making over this Island to the Indians gratuitously, I should apprehend he might be induced to part with it at a fair Valuation, which, as the Island is of no great Extent, and the Land not of a superior Quality, could not amount to more than an inconsiderable Sum.

In corroboration of my Views on this Subject, I beg to transmit to your Lordship a Copy of a Letter which I have received from the Roman Catholic Bishop of Charlotte Town, to whom, wishing to give your Lordship the best Information in my Power, I had applied for his Opinion.

Right Hon. Lord Glenelg,
&c. &c. &c.

I have the Honour, &c.
(Signed) CHS. A. FITZ ROY,
Lt. Gov.

Enclosure.

To His Excellency Sir Charles A. Fitz Roy, &c. &c. &c.

Sir,

Rustico, 5th October 1838.

I have the Honour to acknowledge the Receipt of your Excellency's Letter of the 1st instant, accompanied with a Copy of a Petition to Her Majesty from the Chief of the Indians resident in this Island, in which Letter Your Excellency is pleased to desire me to give my Opinion of the Prayer of said Petition, and also to suggest any Plan which I thought might possibly improve the Condition of the Petitioners. In order to comply with your Excellency's Request, I beg first to state that the Indians of this Island have often complained that they have been more unfavourably dealt with than their Brothers in the neighbouring Provinces, insomuch as they have never, like them, received Grants of Land whereon to settle themselves, and which those among them at least so inclined might cultivate and live by.

This Grievance they from Time to Time ineffectually represented to Her Majesty's Representatives. They applied some Years since to the House of Assembly, with similar Complaints; the then House seemed to take their Case into favourable Consideration, and made some Steps towards making a Purchase of Lennox Island for their Use and Benefit, but afterwards lost sight of it, for what I do not at this Moment recollect.

That some Place of Rest should be provided for the Indian Tribe of this Island, is, in my Opinion, no more than what Justice to the original Owners of the Soil imperatively dictates; and nothing also, in my Opinion, could tend more effectually in course of Time to redeem the Indians from their wandering Life than to locate them on Lands to the Culture of which Necessity will compel them to have recourse for their Subsistence, as the Means heretofore used by them are now failing.

What Quantity of Land should be given to them I cannot take upon myself to say; but as to its Situation, an insolated one would be, for many Reasons, the most preferable; and though I never set much Value on the purchasing of Lennox Island for their Use, on account of its having comparatively little good Land, yet I am aware that the Indians could not, without great Difficulty, be induced

induced to part with it, from the Circumstances of their living on it for many Years past, and their having also there their Church and Burying-ground.

Hoping that your Excellency will be pleased to excuse me in this long, imperfect, and hurried Communication,

Sir Charles A. Fitz Roy,
&c. &c. &c.

I have, &c.
(Signed) W. D. M'DONALD.

No. 49.
Sir C. A. Fitz Roy
to
Lord Glenelg,
8th Oct. 1838.
Enclosure.

No. 50.

COPY of a LETTER from Sir G. GREY to D. STEWART, Esq.

Sir,

Downing Street, 22d December 1838.

I AM directed by Lord Glenelg to transmit to you herewith the Copy of a Despatch from Sir C. Fitzroy, on the Subject of the present State of the Indians in Prince Edward Island. Before taking any further Steps respecting these People, his Lordship desires me to inquire whether you are disposed to make any Proposition with a view to the Attainment of the Object contemplated by Sir C. Fitzroy.

D. Stewart, Esq.,
94, Great Russell Street.

I have, &c.
(Signed) G. GREY.

No. 50.
Sir G. Grey.
to
D. Stewart, Esq.
22d Dec. 1838.

No. 51.

COPY of a LETTER from The Right Hon. HENRY LABOUCHERE to
D. STEWART, Esq.

Sir,

Downing Street, 15th March 1839.

ON the 22d December last Sir George Grey, by the Direction of Lord Glenelg, addressed to you a Letter enclosing a Despatch from Sir C. Fitz Roy on the Subject of the Indians in Prince Edward Island, and requested to be informed whether you were disposed to make any Proposition to Her Majesty's Government with a view to the Well-being of those Individuals. On the 22d December a Reply was received from your Son, Mr. R. B. Stewart, stating that in your Absence he was unable to take any Step in the Matter. I am directed by the Marquess of Normanby to recall the Subject to your Recollection, and to request you to inform me whether you propose to make any Communication to his Lordship on this Subject.

I have, &c.
H. LABOUCHERE.

No. 51.
The Right Hon.
H. Labouchere
to
D. Stewart, Esq.
15th March 1839.

My Lord,

94, Great Russell Street, 18th March 1839.

In answer to Mr. Labouchere's Letter of the 15th instant I beg to state that my Father, Mr. David Stewart, is still absent in Ireland; we are in daily Expectation of his Return; but in his Absence I can add nothing to my Letter to Lord Glenelg in answer to a Communication similar in Purport to that now made by Mr. Labouchere.

The Most Noble the Marquess of Normanby,
&c. &c. &c.

I have, &c.
R. B. STEWART.

NEWFOUNDLAND.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 12 July 1839;—*for*,

COPY of any ADDRESSES received at the Colonial Office from the LEGISLATIVE
COUNCIL or ASSEMBLY of *Newfoundland*, or from PUBLIC BODIES
or INDIVIDUALS in that Colony, relative to the State of Affairs there.

Colonial Office, Downing-street, }
26 July 1839.

H. LABOUCHERE.

(*Mr. Gladstone.*)

Ordered, by The House of Commons, to be Printed,
12 August 1839.

SCHEDULE.

ADDRESSES FROM THE HOUSE OF ASSEMBLY.

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- No. 4.—Address from the Speaker and Three Members of the House of Assembly of Newfoundland to the Secretary of State for the Colonies, dated 7 January 1839 - - - p. 9

ADDRESSES FROM PUBLIC BODIES AND INDIVIDUALS.

- No. 5.—Petition to The Queen from the Merchants, Traders, and other Inhabitants of St. John's, Newfoundland; received 29 January 1838 - - - - - p. 11
- No. 6.—Memorial of the Merchants of Liverpool, trading to or connected with Newfoundland, to the Secretary of State for the Colonies; received 25 September 1838 - - p. 15
- No. 7.—Memorial of the Merchants of Liverpool, connected with the Trade of Newfoundland; dated 12 October 1838 - - - - - p. 15
- No. 8.—Memorial of the Merchants of Poole, trading to and connected with the Island of Newfoundland, to the Secretary of State for the Colonies; dated 5 October 1838 - - p. 16
- No. 9.—Letter from J. A. Daniell, Esq. to Lord Glenelg, with a Memorial of the Merchants resident in Bristol trading with Newfoundland; dated 24 October 1838 - - p. 17
- No. 10.—Petition to The Queen from the Clergy, Magistrates, Merchants, Traders and others, Inhabitants of the Island of Newfoundland; dated 11 December 1838 - - p. 18
- No. 11.—Petition to The Queen from the Clergy, Magistrates, Traders and others, Inhabitants of Harbor Grace and Carbonear, in Conception Bay, in the Island of Newfoundland; dated 18 December 1838 - - - - - p. 19
- No. 12.—Petition to The Queen from the Chamber of Commerce of St. John's, Newfoundland; dated December 1838 - - - - - p. 20
- No. 13.—Petition to The Queen from the Merchants, Traders, and Shipowners of Conception Bay; dated 20 February 1839 - - - - - p. 25
- No. 14.—Memorial of the Merchants of Torquay, connected with the Trade and Fisheries of Newfoundland, to the Secretary of State for the Colonies; dated 28 February 1839 - p. 27
- No. 15.—Memorial of the Merchants of Liverpool, trading to and connected with the Island of Newfoundland, to the Secretary of State for the Colonies; dated 7 March 1839 - p. 27
- No. 16.—Memorial of the Merchants of Dartmouth, trading to and connected with the Island of Newfoundland, to the Secretary of State for the Colonies; dated 8 March 1839 - p. 28
- No. 17.—Memorial of the Merchants of Teignmouth, trading to and connected with the Island of Newfoundland, to the Secretary of State for the Colonies; dated 12 March 1839, p. 29

ADDRESSES FROM THE HOUSE OF ASSEMBLY OF NEWFOUNDLAND
TO HER MAJESTY.

— No. 1. —

NEWFOUNDLAND.

Addresses from the
House of Assembly.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

May it please Your Majesty,

WE, Your Majesty's loyal subjects, the Commons of Newfoundland, in General Assembly convened, have most humbly and reverently to approach Your Majesty, to acknowledge, with the most profound feelings of gratitude, the attention which Your Majesty has been graciously pleased to give to the complaints of the people of this Your ancient and loyal colony of Newfoundland.

We have now particularly to express our deep sense of Your Majesty's solicitude for the protection of the people of this colony, in permitting their complaints against the state of the administration of justice to be inquired into by Your Majesty in Council; and we have to express our full, complete, and perfect satisfaction at the result of that inquiry.

Your Majesty's loyal subjects of Newfoundland, being either natives of the United Kingdom, or their immediate descendants, have at all times entertained the strongest desire to be governed by the laws of England; the rights and immunities of British subjects they value beyond all price; they feel anxious to preserve them for themselves, and to transmit them unimpaired to their children; it was, then, a cause for unmixed joy and delight to find these mild and merciful laws, and the incomparable constitution of England, confirmed to them by the just decision of Your Majesty, aided by the advice of Your Majesty's Council.

It is with feelings of indignation, which we cannot command language sufficiently strong to express, that we have heard that statements have been made to Your Majesty and to the other branches of the Imperial Government, imputing to the people of this colony disaffection and disloyalty to Your Majesty's sacred person and Government, as well as resistance and disregard to Your Majesty's laws. In justification of the people of Newfoundland, and in reply to these unfounded and ungenerous imputations, we fearlessly assert that in no portion of Your Majesty's wide-spread dominions are the people more sincerely, devotedly, and unanimously attached to Your Majesty's royal person, throne, and Government, than are Your Majesty's faithful subjects of Newfoundland. And we further state, without fear of successful contradiction, that, within the recollection of some of the oldest inhabitants, and which takes in the time of the French war, the late American war, and down to the present period, the high crime of disloyalty to the Crown and Government of England was not, even in one solitary instance, exhibited in Your Majesty's courts in Newfoundland against a British subject; but, on the contrary, the people came forward on those occasions, and are even more ready now to come forward, were it necessary, to risk their lives and expend their fortunes in support of the sovereign and just rights of Your Majesty, and in upholding and cementing the union and connexion with the parent country.

The House of Assembly, the representatives of the people of Newfoundland, not only repudiate the foul charge of disloyalty, but further claim for their constituents a character which they have justly earned, of submitting and acting in obedience to the laws; they also claim for them a moral and religious character, not inferior to that of the people of any other portion of Your Majesty's dominions.

Newfoundland is nearly as large as England; the inhabitants are settled in various harbours along the coast, far distant from the capital and from each other, and we regret to say surrounded, with little exception, by the unimproved wilderness; there is not, except in St. John's, a fort, garrison, or soldier; and

NEWFOUNDLAND. the civil force to preserve the peace in these distant settlements does not exceed one or two constables, and in many harbours not even one constable ; yet, notwithstanding, a civil or criminal process issuing from Her Majesty's court at St. John's, can be executed without difficulty in the most distant parts, and most populous districts in the island. As an example, we humbly beg to call Your Majesty's attention to one case amongst others which occurred during the heat and excitement attending the general election of 1836 ; a number of persons were charged with a riot at the election that took place at Harbour Grace, in Conception Bay ; that warrants were issued for the apprehension of the parties accused from the Supreme Court at St. John's ; one constable proceeded to what was then and is now stated to be a "disturbed district," arrested all the parties, and brought them a distance of upwards of 30 miles, to St. John's, where they were delivered over into the hands of justice. This is only one example from hundreds we could adduce, to prove the readiness with which Your Majesty's subjects in Newfoundland submit themselves to the laws, even at a time when it was universally considered that these laws were administered corruptly, partially, and unjustly.

Addresses from the
House of Assembly.

We can further refer Your Majesty to the official documents annually transmitted from the local authorities to Your Majesty, which will show the account of criminal prosecutions and convictions, and must prove the peaceful and moral character of the people of Newfoundland.

Should Your Majesty desire to have further information on this subject, we pray Your Majesty to command our late beloved and venerated chief justices, Sir Francis Forbes and Richard Alexander Tucker, to make a report thereon to Your Majesty ; and we would unhesitatingly appeal to the expressed opinions of these learned, wise and good men, as a full defence against the calumny so unjustly heaped upon Your faithful subjects of Newfoundland.

May it please Your Majesty,

There is nothing more calculated to bring the administration of justice into disrepute with the people of any colony, than to find persons placed by Your Majesty on the judicial bench, who so far forget their duty as to mix themselves up with the disputes of contending political parties ; and it is to be lamented that individuals should be found in this small community placed in these responsible stations, who so far forget their duty to Your Majesty and to the people, as to lend the sanction of their names and stations to the foul and unfounded charges made against the loyal inhabitants of this colony.

We cannot conclude this humble Address to Your Majesty, chiefly intended to defend the people of Newfoundland from the foul charge of disloyalty, without expressing our sincere sorrow and regret that any portion of Your Majesty's subjects inhabiting Your North American provinces, should be so far misled, as were the people of Canada, to make the slightest opposition to the Government of Your Majesty.

It affords us the most sincere pleasure to state that we have reason to believe that, even in the provinces lately disturbed, the vast majority of the clergy and people remained steady to their allegiance, and that even those that were led to open acts of resistance to Your Majesty's Government, were not fully aware of the enormity of their offence, and had no wish to throw off their allegiance to Your Majesty ; and we have now every hope that those misguided individuals, impressed with gratitude for the indulgence of Your Majesty, they will become Your Majesty's grateful and attached subjects.

We have most sincerely to congratulate Your Majesty on the complete suppression of the temporary insurrections in these provinces ; and we have also to acknowledge Your Majesty's great anxiety to promote the general interests of the North American provinces, and to secure the permanent connexion with the parent state, by placing over them at this crisis a nobleman so competent to heal the distractions and to detect the defects of the existing constitutions of the colonies, a statesman so distinguished as the present Governor-general, Lord Durham.

And we have furthermore sincerely to congratulate Your Majesty on the signal success which has already attended his Lordship's mission ; and we cannot avoid expressing our decided opinion that there is no part of his Lordship's proceedings more calculated to confirm the people of these provinces in loyalty

loyalty and attachment to Your Majesty's Government, than in the manner in which he has carried the well-known wishes and commands of Your Majesty into effect, by exercising the highest attribute of royalty in extending mercy and indulgence to the misguided individuals in Canada who subjected themselves to the highest penalties of the law.

NEWFOUNDLAND.
 ———
 Addresses from the
 House of Assembly.

House of Assembly, }
 16 Oct. 1838. }

(signed) *Will. Carson,*
 Speaker.

— No. 2. —

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

May it please Your Majesty,

YOUR Majesty's faithful Commons of Newfoundland, in General Assembly convened, most humbly and respectfully approach Your Majesty with renewed sentiments of love and loyalty for Your Majesty's Crown, and attachment to Your Royal person, most respectfully soliciting the attention of Your Majesty's Government to the humble representation of this House on the subject of the Supply Bill of the seventh Session of the Legislature, laid before Your Majesty by Your Majesty's Principal Secretary of State for the Colonies, by delegates deputed from this body.

The House of Assembly are induced to renew their prayer on that subject by the occurrences that have transpired during the present Session on the Supply Bill of this year, in their anxiety to use every legitimate and constitutional means to uphold their just privileges against the reiterated encroachments of the Legislative Council.

But, may it please Your Majesty, while the House of Assembly are thus determined respectfully to maintain the privileges of the people entrusted to them, they have proved by their moderation, their earnest desire to produce an amicable adjustment of the unhappy differences that exist between theirs and the second branch of the Legislature.

The source of these differences would seem to be the desire of the Council, now in the ninth Session of the Legislature, to renew their opposition to the manner of the granting the supplies for the public service in Newfoundland by the Assembly, which they had originated during the seventh Session, even to the rejection of the entire supplies of the country, and which manner of granting the same had been founded on the well-established precedents of former Sessions.

May it please Your Majesty, in all the former Sessions of this Legislature, without exception, the Bills of Supply passed into laws exhibit provisions of miscellaneous appropriation, nor had Your Majesty's august predecessor, of happy memory, in any single instance withheld his Royal sanction to the practice; and the present Assembly, in these renewed exertions to sustain those precedents, only seek to uphold a course of proceedings which the concurrence of former Councils, and the sanction of a former monarch, had enabled their predecessors to bequeath them as consecrated rights.

Your Majesty will thus perceive, that while "the constitution of the Legislature of Newfoundland is modelled on that of the Imperial Legislature with regard to money grants," it has been tacitly admitted, not only that the origination by the Crown for money grants as in the Imperial Parliament, but also the granting the supplies for the year in a series of Bills, as in the British provinces on the continent of America, was inapplicable to the circumstances and condition of society in Newfoundland.

Your Majesty's faithful Commons of Newfoundland could, for instance, have no objection to the assimilation of their practice on this subject to that of the Imperial Legislature, by the referring to the Crown the origination of all money grants, if, in a reciprocal spirit, they were granted that wholesome control over the colonial public servants possessed over the British Ministry by the House of Commons; nor should they object, on the other hand, that their supplies should form the subject of separate Bills, as in the British North American continental provinces, did the relations between the Councils and the Assemblies there and here bear any parallel.

NEWFOUNDLAND.

Addresses from the
House of Assembly.

In Canada and New Brunswick the development of the internal resources of these countries, and particularly the fostering care exhibited by the British Government towards their agricultural improvement, at the expense of the Imperial Treasury, have produced, long since, a native gentry to compose the Councils there, having all their interests in common with the interests of the body of the people. In Newfoundland, on the contrary, the policy heretofore pursued by the parent Government was at first to forbid residence, then to restrain settlement, anon to decry agriculture; in fine, to fetter the resources, and cramp the energies, and blast the prospects of the people, has produced the natural result. Native gentry there is none; a resident landed proprietary there does not exist, and consequently society in this colony is reduced to two classes, the one mercantile, composed not of native, but stranger "merchants and adventurers," and indeed to a considerable extent even these non-resident, to whom may be added the officers of the Government, all strangers too; the other, the humble fishermen, whose destinies are riveted to the soil of their nativity.

May it please Your Majesty, the interests of the mercantile class of society in Newfoundland by no means bear that intimate analogy with those of the fisherman, which, in the provinces referred to, subsists between the several classes of the people. The native inhabitants of Newfoundland are sighing for the promotion of agriculture for the full development of the internal resources of the country. The merchant sees in the accomplishment of their wishes the grave of his monopoly; for if agricultural produce be raised in the country, the profits of the merchant, in the importation of provisions, must proportionably decline. The native inhabitants of Newfoundland, regarding its soil with affection,—it is the natal place of his grandsire and his children, and he looks upon it as destined to envelope the last relics of his mortality,—pants for its improvement; the adventurer only desires the accumulation of wealth for its ultimate removal, to the great depression of the people from whose means it was derived, the aggrandisement of a distant land.

Thus, may it please Your Majesty, has it been judged advantageous in this country to suffer the supplies to appear in Bills of miscellaneous appropriation, thereby exhibiting a difference from the systems pursued both in England and in the neighbouring provinces, corresponding with the difference between their respective political and social constitutions.

In the present year, Your Majesty's faithful Commons, with these views, renewed the temperate assertion of their right, so well and so justly established; but again has their exercise of that right been obstructed by Your most Gracious Majesty's Council; and, determined once more to seek redress by soliciting in humility the protection of Your Majesty, and in order to afford no pretext for the embarrassment of the country by the ultimate rejection of the whole supplies of the year, until the result of Your Majesty's most gracious consideration of our claims had been learned, this House, immediately upon that interruption, acceded to their views, and separated the original Bill into three; viz. one for the support of the civil government, one for the defrayal of the legislative contingencies, and a third for the liquidation of certain law costs and other charges connected with the proceedings of the delegates to England, and the prosecution, by the late chief justice and present high sheriff, of certain members of this body, for acts done in their legislative capacity.

The proceedings of Your Majesty's Council, may it please Your Majesty, upon these Bills, will more fully exhibit the inapplicability in this country of those principles which perhaps may work advantageously in the neighbouring provinces, because that while the mercantile portion of the Council support the official in passing the Bill for the civil salaries and expenditure, the official supports the commercial in the rejection of Bills contemplating public improvement, defraying the cost incurred in seeking redress of grievances, or the just and legitimate remuneration for services honestly and zealously performed, because performed by persons selected by the representatives of the people.

House of Assembly, }
25 Oct. 1838. }

(signed) *Will. Carson*, Speaker.

— No. 3. —

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

May it please Your Majesty,

WE, Your Majesty's faithful subjects, the Commons of Newfoundland, in General Assembly convened, beg leave to approach Your Most gracious Majesty's throne with sentiments of the most profound loyalty and attachment to Your Majesty's august person and government.

May it please Your Majesty, Your Majesty's loyal Commons of Newfoundland, during the present Session of the Legislature of this colony, have laboured assiduously in the public service; and, in the manner of discharging their duties, have sought every opportunity of proving to Your Majesty, in accordance with the terms of their dutiful address to Your Majesty on the loss of the Supply Bill of the seventh Session of the General Assembly, that it is not to them is attributable the injury and embarrassment of the Government, the vexation and distress to the community, resulting from the rejection by Her Majesty's Council of that measure.

The House of Assembly in this Session have tried the experiment of conciliating the Council and the Executive on the subject of the supplies, and have omitted no opportunity of promoting that harmony which ought to subsist between the several branches of the Legislature.

The question of the already exorbitant salary of the collector of Your Majesty's revenues had been brought before Your Majesty's Government in England by delegates appointed by this House, praying, on the part of the Assembly, its reduction to a sum somewhat more proportioned to the smallness of the amount collected; and yet,—and though the reply of Her Majesty's Government to the prayer of Her faithful subjects on that head was not yet communicated to the House, in consequence of the absence of the delegates,—yet did the House permit their privileges to be trampled on, in the ardent expectation of redress from Your Majesty, and calmly suffer his Excellency the Governor to dictate the terms, without an accedence to which he professed his readiness to deprive the country of revenues, and plunge its inhabitants into anarchy; those terms being the raising to a considerable extent that salary to such the reduction of which they sent delegates to England.

Your Majesty's Government, during the Session of 1837, proposed to admit the right of the Assembly to appoint their own officers, provided the representations of the Assembly, with reference to the practice in certain neighbouring colonies, should prove to be correct, and instructed his Excellency the Governor to address the several neighbouring Governors upon that subject, while at the same time the Assembly directed their Speaker to address the several Speakers upon the same. In the meantime, instructed by Your Majesty's Principal Secretary of State for the Colonies, his Excellency required the officers appointed by the Crown to be paid, although discharged from their functions by order of the House, and the House readily acceded to the proposition, regarding their claim well founded, until the ultimate decision of the question.

This Session a similar demand has been made, and although the reports made to the Speaker of the House by the neighbouring Speakers prove that Government have had proof of the right which the Assembly are determined to maintain, the right of the appointment of their officers, yet have they once more yielded accedence to avoid the possibility of collision with the Executive.

In their conduct towards the Council on the Supply Bill of the present Session, have they exhibited a similar forbearance. The Council insisted the Supply Bill should be divided; the Assembly divided it, and yet, notwithstanding this, has a Bill been rejected by that body, having for its object to defray the expenses of the late delegation to England; thereby proving, that the individuals who, in obedience to the order of this House, had in England struggled to reduce the salary of one member of the Council, the collector, and had procured the removal from office of the late president of the Council, Mr. Boulton, that these individuals are not likely to have their interests equitably guarded by that body; and also proving, by thus incapacitating the Assembly from discharging the just debts which they incurred in London on this sub-

NEWFOUNDLAND. ject, their inclination to bring down odium upon the popular branch of the Legislature.

Addresses from the House of Assembly.

But may it please Your Majesty, this is not enough. We find, by a message laid before this House on yesterday from that honourable body, that they can descend to the grossest exaggeration and misrepresentation even, for the purpose of awakening opinions in the mind of Your Majesty prejudicial to the honour, and defamatory of the reputation of the House of Assembly.

In this message, may it please Your Majesty, Your Majesty's Council seek to show that, during the existence of the present House of Assembly, the contingent expenses of that body have unreasonably increased, thereby clearly imputing an improper appropriation of the public funds to that branch of the Legislature for their own private advantage. But a brief view of their statement will at a glance exhibit an absence of candour, and disposition to exaggerate, highly derogatory from the dignity of a deliberative assembly.

In the first resolution of this message, Your Majesty is told, that in the Session of 1836 the legislative contingencies amounted to 1,390 *l.* 0 *s.* 9 *d.*, viz. for the Council, 405 *l.* 11 *s.* 6 *d.*, for the Assembly, 984 *l.* 9 *s.* 3 *d.*; and in 1837, 2,953 *l.* 9 *s.* 6 *d.* for the Assembly, and for the Council 494 *l.* 4 *s.* 1 *d.*; thus bringing into comparison the first Session of the present with the last of the former Assembly, and the expenditure of the Assembly with that of the Council; and they go on to state the expenses of the Council now to be 663 *l.* 8 *s.* 4 *d.*, the Assembly 3,311 *l.* 19 *s.* 6 *d.*

But may it please Your Majesty, upon examining these statements, we at once behold an improper effort made in 1837 to exaggerate the expenses of the Assembly and reduce those of the Council by improper and unfair means, by means exceedingly unworthy the members of Your Majesty's Council; for upon referring to the 94th page of their Journals, where the items are set out which compose the charges of the Council for 1837, it will be found that that body withheld from their account that year the charge of printing altogether, thereby exhibiting in stronger relief the contrast between the contingencies of both bodies.

However, beside this suppression of the truth, on the one hand, we have, on the other, an incorrect account of the contingencies of the Assembly for that year, as may be seen by a reference to the same (the 94th) page of the Journals, where it will be seen that, even including 215 *l.* voted to the officers appointed by the Crown, and including expenses resulting from inquiry on administration of justice, the gross amount of the contingencies of this body falls short of the sum imputed by the Council by no less an amount than 560 *l.* 7 *s.*

In looking at their statement, that the contingencies of the Assembly this year amount to 3,311 *l.* 19 *s.* 6 *d.*, Your Majesty's faithful Commons are astonished to find exaggeration of the highest character used to enhance the apparent extravagance of the expenditure of the Assembly. In the first place, the Council suppress the fact, that in this charge are included the expenses of two, and not of only one Session, being 1,655 *l.* 19 *s.* 9 *d.* for each; and in the next place, is the amount utterly inconsistent with the fact, for a reference to the Contingency Bill, which has actually passed both Houses of the Legislature, in its aggregate amount, including the expenses of the Council, falls considerably short of the sum here stated as incurred by the Assembly only, while the amount therein provided for the contingencies of the Assembly are little short of 1,000 *l.* below that sum.

May it please Your Majesty, the Assembly have complained to Your Majesty, and humbly sought for protection from these reiterated aggressions upon the personal character, as well as the legislative dignity, of the representatives of the people. They regret that the time, ingeniously chosen too, for this attack had almost incapacitated them from the capability of reply, and then the slander should have rested on their fame for another year, and until the next Session of the Legislature, as only two hours remain to the Assembly for its accomplishment prior to the prorogation.

What can this course of inveterate hostility on the part of that dignified body imply, if it be not to Your Majesty a convincing proof, that as long as Your Majesty's Council continues constituted as at present, so long must their legislative exertions be expected to be directed by motives arising from personal feelings?

Your

Your Majesty's loyal Commons of Newfoundland, therefore, humbly and respectfully fling themselves, their characters, their rights and privileges, beneath Your Majesty's protection ; and they humbly pray, and again and again implore Your Majesty to take into Your Majesty's most gracious consideration the reiterated prayers of Your Majesty's people for a just reform in the constitution of Your Majesty's Council, and the due sustentation of the privileges of the Assembly.

NEWFOUNDLAND.

Addresses from the House of Assembly.

House of Assembly, }
25 October 1838. }

(signed) *Will. Carson,*
Speaker.

— No. 4. —

To the Right Honourable Lord *Glenelg*, Principal Secretary of State for the Colonies, &c. &c. &c.

May it please your Lordship,

WE, the undersigned members of the House of Assembly, being the only members of that body at present in St. John's (with the exception of the Solicitor-general, who, having been duly notified, declined attending), beg leave to address your Lordship on the subject of the reiterated efforts of a party in this town to lead Her Majesty's Government to entertain opinions unfavourable to the character of the individuals who compose the representative branch of the Legislature of this island, and most respectfully to solicit your Lordship's kind consideration of our position, assailed as we are in terms teeming with vituperation.

Two Sessions of the Legislature have elapsed since the election of the present members of the Assembly, and before, and during and subsequent to those Sessions, the characters of those members have been assailed with the grossest calumnies, and epithets the lowest that bad feeling could suggest have been affixed to their names. Their efforts to promote the public good have been attempted in every way to be thwarted, and their every act and expression have been misrepresented.

It is painful, my Lord, to think that this party is composed, almost exclusively, of members of the Commercial Society of St. John's ; men whose position in society would naturally lead us to expect them to be actuated by a spirit of candour, and by feelings of honour that would forbid them to have recourse to falsehood and calumny to sustain the cause they advocate.

We beg leave, however, my Lord, to refer particularly to a petition lately adopted by the chamber of commerce or managing committee of that body, and transmitted to your Lordship to lay before Her Majesty, a petition couched in terms so violent and unreasonable, as to render it perfectly unnecessary to notice it, were it not that it is therein asserted that "in proof of every statement there made, voluminous evidence has been transmitted to the office of Her Majesty's Secretary of State for the Colonial Department."

We cannot believe, my Lord, that such evidence, or indeed any, on such a subject, could have been transmitted to your Lordship through the Government-office in this island, because we consider it would have been the duty of the Executive, in the first instance, to have afforded the parties accused an opportunity of immediately removing those aspersions on their characters ; and we feel the utmost confidence that your Lordship's magnanimity and love of justice would not suffer you to countenance a system of espionage and secret accusation so utterly inconsistent with every principle of just and impartial Government.

We shall not here, my Lord, enter into a vindication of our character, nor shall we enter into a defence of the Catholic priesthood of this country. The very charges that are made against us furnish their own answer ; while every paragraph of the petition alluded to with reference to the priests, loudly proclaim two things : first, that the priesthood have now the love and confidence of the people ; secondly, that the petitioners have lost both, and *hinc illæ lachrymæ*.

By the late census, my Lord, the population is returned as nearly equally divided between Catholics and Protestants ; how then could the influence of the priesthood have been so overwhelming among a Protestant people ? The

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election for Trinity Bay is the very best reply to the interrogatory. That district is almost exclusively Protestant. A merchant had proposed himself as candidate, and was actually on the day of election about to be returned, and apparently without opposition, when, without preparation, without the aid of a committee, and opposed rigorously by all the wealth of the Bay, headed by the Protestant clergyman, an humble fisherman was elected after a severe contest, by an overwhelming majority, and the merchant flung aside.

The truth is, my Lord, that confessedly great, and deservedly so, as the influence of the priesthood of Newfoundland is among all classes of the people, that influence would not exist an instant if it were attempted to be exercised in opposition to the public interests.

In fine, my Lord, we consider that the very prayer of this petition furnishes an ample reply to all the statements it contains. The Commercial Society, through their chamber, there express, in reality, not only the cause but the object of all their hostility to the representative branch of the Legislature. They pray, not for a dissolution of the present Assembly; not for a revision of the franchise to purify future Assemblies; not for facilities to enable them once more to get in; no, my Lord, none of these do they ask for. They confess that their hopes of being returned are daily decreasing, the people's representatives are giving too much satisfaction to afford them even a hope; they say, in their address to the Governor, "They have not the slightest hope that future elections will procure a better representation;" and therefore they pray Her Majesty that the right of legislation be altogether taken out of the hands of the people and placed in theirs.

We have repeatedly, my Lord, by petition, solicited an investigation at St. John's into the circumstances of this colony. We have even now joined in a petition, urging with humility the same prayer, and we are confident that the result of such an inquiry would be for ever to set aside that system of secret slander of the reputation of individuals to which this island has been so long subjected.

But, my Lord, before we close we would take leave to point to one more cause, and that one not the least cogent, of the present struggle against the representatives of the people: it is mainly grounded on a rooted hostility to every thing liberal, particularly to the very existence of the present Administration, of which your Lordship forms so proud an ornament: a main object in urging these false accounts of the state of this country, a country than which there does not exist any more tranquil, is simply to afford, even for a moment, to your Lordship's enemies and ours, an opportunity of pointing to another distracted colony. Look to every column of every journal supported by them, or sustaining their views, and you will find them teeming with personal abuse of the members of that Administration, evincing the most marked hostility to the Government.

Under all these circumstances, we feel confident, my Lord, and in that confidence the whole island, with the exception of some 40 or 50 in this town, fully concur, that in every act of yours with reference to this country, the happiness and prosperity of its people will be ever kept in view. We feel confident that the institutions of the country will be supported, and its constitution held inviolate.

We have, &c.
(signed) *Will. Carson,*
Speaker.
John Kent.
John V. Nugent.
Patrick Doyle.

St. John's, 7 January 1839.

ADDRESSES FROM PUBLIC BODIES AND INDIVIDUALS.

— No. 5. —

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The Petition of the undersigned Merchants, Traders, and other Inhabitants of
St. John's, in the Island of *Newfoundland*,

(Received 29 January 1838.)

Humbly sheweth,

THAT we have witnessed with extreme regret the exertions which for a length of time have been made by a few individuals in this town to introduce discord and anarchy into the colony, to paralyse the moral influence of our courts of justice, as well as the authority of the subordinate magistracy, and, by a system of intimidation, to acquire for themselves an irresponsible control over the public affairs of the island.

We have hitherto forborne noticing the various false and calumnious statements contained in a series of petitions which have, from time to time, been forwarded by them from this colony to his late Majesty's Government, as well as to the House of Commons, in the belief that allegations which were known here to be so utterly devoid of truth, and so gross and incredible in their character, might safely be allowed to pass unnoticed by us: but we find that these misrepresentations, however they may be despised here, yet, from constant reiteration, they are acquiring a degree of credence elsewhere; and convinced that the best interests of the colony, and the safety of persons and property, would be endangered by further silence, we deem it necessary, in support and defence of our dearest rights, not only to lay before Your Majesty, as succinctly as possible, our own positive testimony of the absence of every just ground for the shameless allegations contained in those petitions, but also to express our earnest hope that Your Majesty will extend the relief prayed for by this petition, and adopt such measures as will emancipate this colony from the thralldom to which otherwise it must permanently be subjected. Of these petitions, we beg leave to draw Your Majesty's attention particularly to one addressed to Your Majesty's revered predecessor, despatched from this island in the month of March last, which not only holds out, in language far from equivocal, threats of personal violence, but contains charges of so serious a nature against the characters of the mercantile body of this town, the chief justice, and the grand and special jurors, that to allow them to pass unnoticed would be culpable. We now give to those charges the most unqualified contradiction, and we advisedly designate them as foul and impudent calumnies, notoriously devoid of truth.

In this island, the population of which may be estimated at 75,000, of whom about one-half are Protestants, and the other half Roman-catholics, it may be proper to remind Your Majesty that there are no legal distinctions affecting any class of Your Majesty's subjects; and were the Roman-catholics permitted to follow the impulse of their own minds, and to act individually as their own wishes might prompt them, there would be no cause for apprehending that they would differ from their neighbours in matters of a civil nature. But it unfortunately happens that their clergy have acquired a thoroughly despotic and absolute control over a very large proportion of the lower orders of their creed, by which means they are enabled to concentrate and direct the efforts of the body against each member individually to an extent that would scarcely be credited by any who do not witness their conduct, and in a way that is altogether destructive of the civil and religious liberties of the people at large.

To this cause, we submit, may be directly traced the evils of which we now complain; and as all authority rests in a great measure upon the power which those who exercise it possess of enforcing their mandates, we trust our observations will not be regarded as out of place, if we state to Your Majesty some of the means used by the Roman-catholic priests for coercing those who evince any disinclination to comply with their wishes.

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In the first place, they denounce them from the altar as persons hostile to their priests, and as opposed to the authority of their church, and then warn their congregations not to deal or hold any intercourse with them, designating them commonly as "mad dogs," a term by which it is understood that the individuals to whom it is applied have not adopted the political views of their priests, and are therefore to be regarded as if excommunicated; and being thus branded, they are to a very considerable, and in some instances to a ruinous, extent, injured in their business, are constantly exposed to much personal insult, and not unfrequently ill-treated in the open streets by the lower orders of their own creed, who deem it a meritorious service thus to carry into effect the denunciations of their priests.

But besides these temporal annoyances, they are constantly subjected to every kind of neglect and contumely, their clergy often contemptuously refusing to perform any clerical duty for them, their wives or families. Those offices of their church, which are regarded as most sacred, are refused, often with insult and abusive language, and others are performed in such a manner as to render the very performance painful in the extreme to persons possessed of common feeling. Since the general election of last autumn, their clergy have refused to hear confessions, to grant absolution, to visit the sick, to administer extreme unction, or the eucharist, to perform the office of churching women, to attend funerals, and even to bury the dead, when the parties have been what they call "mad dogs," or the wives, children, or parents of such persons. These punishments were threatened before the elections of last autumn; since which period, electors who had firmness enough to act with independence, have been visited with their rigid infliction; several have been interdicted from attending the chapels, and when, notwithstanding such interdict, a sense of religious duty has led them there, the mass has been suspended until they have gone out, or, declining to retire, have been forcibly turned out.

Your Majesty will hence perceive that the priests do not only possess, but also exercise, the power of inflicting the most oppressive and grievous punishments, which are visited on parties guilty of no fault, without trial, and without redress; and it has consequently happened that many worthy persons have found themselves compelled to yield to their will with nothing less than ruin to their worldly prospects, or starvation to their families, as the alternative. A power thus concentrated is brought to bear upon the people with so terrible an effect, that it cannot be matter of wonder that five-sixths of the Roman-catholic population are at the feet of their priests.

By this system of intimidation the Roman-catholic clergy have not only succeeded in procuring the return of persons to serve as members of the House of Assembly, who are entirely subservient to their will, and subject to their control (to which we shall presently more particularly allude); but what is still more alarming, they have systematically interfered with the due administration of justice, in such a manner as materially to weaken its moral effect. Delinquents who were of their party have, when convicted, been taken under their especial protection, and held up to the world as persons oppressed and persecuted on account of their political opinions, and as martyrs in the cause of liberty, and the defence of their creed, by which means they have endeavoured to create in the minds of their deluded followers the most inveterate prejudices against those to whom the administration of justice is intrusted. In this unholy attempt to establish in themselves an authority superior to the laws, they have omitted no opportunity, and neglected no means within their reach to bring the judges, magistrates, and officers of justice into contempt, and to excite popular feeling against them. More particularly have they, and the few factious and needy individuals who are associated with them, been unceasing in their attacks and untiring in their exertions to bring odium upon the present chief justice of the colony, Mr. Boulton, and at any sacrifice to procure his removal from the office which he so ably and impartially fills.

To accomplish this end the vilest slander, the most despicable insinuations, and the most malicious calumnies have been resorted to, more particularly through the medium of a newspaper published in this town, under the name of the "Newfoundland Patriot," the conductors of which are notoriously under the control of the Roman-catholic priesthood. In order to give plausibility to their proceedings, and to obtain for them the attention of Your Majesty's Government, a principal expedient resorted to, has been that of petitions, which are
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got up by them with a facility almost incredible to those who are unacquainted with the domination which the Roman-catholic clergy exercise over their flocks. The manner in which signatures are procured to these petitions is by exhibiting blank sheets of paper at the chapel doors, where all who enter, whether men or boys, are made to subscribe their names, or have them written down for them ; and to this they are obliged to submit, knowing that otherwise they will be visited with the displeasure of their clergy.

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These sheets are afterwards appended to the petitions, with the contents of which but few of the subscribers are acquainted ; and it is thus that the most shameless allegations, devoid of every particle of truth, and intended to bring the judicial character of Mr. Boulton into contempt, are brought under the notice of Government as expressing the public sentiments of the people of Newfoundland.

In seeking the cause of this malignity displayed towards the chief justice, we solemnly declare to Your Majesty that we can discover none, except it may be in the apprehension that his inflexible administration of justice, unawed by their power or their threats, is calculated to divest the priests and their adherents of their undue ascendancy, and to subject them, in common with Your Majesty's other subjects, to the supremacy of the law. We take this public opportunity of expressing our full confidence in the integrity and ability of Mr. Boulton, and our entire satisfaction with the firm, judicious, and impartial manner in which he has discharged his duties. We have also no hesitation in asserting that notwithstanding the infamous attempts to create distrust in his official conduct, the public confidence in him remains unshaken, and we should lament, as a public calamity, any circumstance that might cause his removal or retirement from the bench of this colony, which would thereby suffer a loss not easily repaired.

And here we would respectfully suggest to Your Majesty that this community is almost exclusively a commercial one ; that the merchant and fisherman have but one common interest, and are bound together by one tie of mutual dependence ; that those differences of public opinion which exist in older and larger countries, have been hitherto unknown amongst us. Who, then, we would respectfully ask, are most interested in the due and impartial administration of justice ? Your Majesty's petitioners, many of whom have a large stake in the country, upon whom hundreds depend for their daily bread ; or the Roman-catholic priests, with their adherents, men who, generally speaking, have nothing to lose, but who might hope to extend their political influence by bringing the constitutional authorities into contempt.

We further crave leave to represent to Your Majesty a few circumstances worthy of serious consideration, as connected with the Charter by which his late Gracious Majesty was pleased to establish a Local Legislature in this island.

By this Charter the sole qualification prescribed for an elector is that of his being the occupier for one year of a tenement, however mean and valueless ; a franchise so extensive, that it amounts almost to universal suffrage. On the other hand, no qualification whatever is prescribed for candidates, beyond that of being the occupier of a dwelling, no matter of what description, for two years ; a defect we have ample cause at present deeply to deplore, for the Roman-catholic clergy, quickly perceiving how useful an engine the House of Assembly might be made in their hands, have not failed to exercise, in the manner before mentioned, the power they possess over this description of persons, in securing the return of a majority of members of their own nomination.

It is thus that the parties returned are nearly all persons of little or no stake in the country ; who are not, in point of ability, character, or standing in society, at all qualified for the office in which they find themselves placed ; consequently, by no means such as the electors themselves, if left to the uncontrolled exercise of their franchise, would have chosen. Their only qualification, in fact, being a blind subserviency to the dictates and wishes of the Roman-catholic priesthood.

We feel confident in affirming that, in the districts of St. John and Conception Bay, which return seven out of the 15 members of the Assembly, and where the illegal influence of which we complain is so powerful, a large majority of the electors were, and are, opposed to the candidates who have been returned

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by the means before mentioned, and the result of the elections would, we doubt not, have been very different could the electors, in attending the hustings, have been assured of protection from violence and outrage, and secured from the subsequent persecution and punishment with which they were solemnly threatened, and which they well knew would have been so unmercifully inflicted upon them.

Nor is it the least among the evils resulting from this baneful system, that in other districts, where the Roman-catholic clergy possess little or no direct influence, such a hopelessness of anything like a fair representation throughout has been engendered, and such a conviction of the uselessness of sending independent members to meet a majority thus produced, that in the last election instances occurred in which persons were returned as members without opposition, whose pretensions were really ludicrous, and who, under any other circumstances, would have received no countenance whatever.

From a House thus constituted, whose members are by no means the representatives of the colony, and among whom are the most active agents, as well as the most passive creatures of the priests, little can be expected to the satisfaction of the community. We forbear entering into a detail of their proceedings during the present Session (characterized as they are by the same feelings of partizanship, the same political depravity and persecution which influenced their conduct out of doors), or of giving a description of the low and abusive language with which the more prominent members, by pretence of their privilege of speech, are in the daily practice of assailing the Governor, the judges and other officers of the Government. The numerous and useless offices connected with the House of Assembly which they have created for the sake of patronage, the prodigal manner in which they have endeavoured to squander the revenues of the colony to support themselves and their adherents, and the invidious distinctions and provisions which they have made in several instances for the purpose of prejudicing individuals, against whom they entertain personal dislike, indicate with painful certainty their determination to exercise all the power they possess, or are permitted to arrogate, in extending their influence, and inflicting injury on those who presume to differ from them.

That any of Your Majesty's colonies should in this, the 19th century, be reduced to such a state of priestly tyranny as that to which we are subjected, may well excite Your Majesty's astonishment, and our statements might possibly be attributed to prejudice or an exaggerated fear, did not evidence of their correctness exist in the office of Your Majesty's Principal Secretary of State for the Colonies, whence documents in abundance may be obtained to support them.

We deem it incumbent upon us now to bring under the especial notice of Your Majesty the important fact that the magistrates, constables, and other subordinate functionaries in this colony, are entirely dependent upon the annual grant of the House of Assembly for the payment of their salaries. A ready method is thus afforded of controlling their independence, if not of corrupting their integrity, by diminishing or withholding, or perhaps increasing, their respective stipends, in proportion as they are supposed to be more or less favourable or adverse to the authority of the priests and their partizans; and we lament to add, that the determination to exercise this influence has been manifested in the votes of the present Session.

Great, however, and insupportable as are the evils to which we are thus subjected, we yet trust that an adequate remedy may be found in the wisdom of Your Majesty's Ministers, and we do humbly and earnestly pray for the adoption of such measures as will effectually redress the grievances which we thus presume to bring under Your Majesty's notice. We beseech Your Majesty that, among other steps for that purpose, means may be taken to secure to all Your Majesty's subjects in this island the free and uncontrolled exercise of their civil and religious rights; to protect the judges and officers of justice in the fearless administration of the laws; and also to make permanent provision for magistrates, constables, and others connected with the police, thereby rendering them independent of popular control, and amenable only to the Executive branch of Your Majesty's Government for the faithful discharge of their duties.

That Your Majesty may have a long, prosperous, and happy reign, is the heartfelt wish and sincere prayer of Your Majesty's dutiful and loyal subjects.

[969 Signatures.]

— No. 6. —

To the Right Honourable Lord *Glenelg*, Principal Secretary of State for
Her Majesty's Colonies, &c. &c. &c.

The Memorial of the undersigned Merchants of *Liverpool*, trading to, and connected with, the Island of *Newfoundland*,

(Received 25 September 1838.)

Humbly sheweth,

THAT the memorialists are possessed of property in the said island ; that several of them have resided there, and that all of them are interested in the prosperity of the colony.

That the memorialists have had occasion to deplore the existence of strong political dissensions in the island ever since the institution of the Colonial Legislature ; and that, although they are satisfied the great body of the people are still orderly and peaceable in their disposition, yet to so serious a height has this party feeling arisen amongst them, that the memorialists are filled not only with unfeigned grief, but with just apprehension and alarm.

That the memorialists are apprised, by the latest intelligence from St. John's, the capital of the island, that the House of Assembly had committed to prison, for an alleged breach of its privileges, a respectable individual, a medical practitioner in the place ; and that upon his discharge, by writ of *habeas corpus*, the Judge of the Supreme Court, and the High Sheriff of the Island, who, in the exercise of their respective functions had discharged him, were themselves taken into custody by order of the House.

That the memorialists, while they refrain from pronouncing any judgment upon the character of such proceedings, are impressed with the solemn conviction that they place in imminent peril the interests and even the safety of the colony ; and that they point to the necessity of investigating the nature of the elective franchise by which the House of Assembly is constituted.

That the memorialists respectfully and earnestly disclaim being actuated by political motives in addressing your Lordship at the present juncture, being indeed, amongst themselves, of different and adverse political sentiments ; and, from a regard only to the safety of their property, and to the peace and well-being of the colony generally, they venture urgently to pray,

That such measures may be adopted by Her Majesty's Government, as may, in its wisdom, be calculated to allay the party ferment which exists in Newfoundland ; and, meanwhile, before the season is too far advanced, that additional troops may be sent out for the more effectual preservation of life and property in the island.

And the memorialists will ever pray, &c. &c.

[19 Signatures.]

— No. 7. —

To the Right Honourable Lord *Glenelg*, Principal Secretary of State for
Her Majesty's Colonies, &c. &c. &c.

The Memorial of the undersigned Merchants resident in *Liverpool*, connected with the Trade of *Newfoundland*,

Humbly sheweth,

THAT the memorialists have had the honour to receive, through Mr. Brooking and Mr. Christophers, the communication made to these gentlemen by Sir George Grey, in reply to a memorial addressed by the undersigned to your Lordship relative to the prevailing excitement and dissension in the island of Newfoundland, in connexion with certain proceedings of the House of Assembly there.

That the memorialists feel bound gratefully to acknowledge the consideration which your Lordship has given to the statements and prayer of the said memorial,

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rial, and the promptitude with which instructions have been transmitted to his Excellency Governor Prescott, such as your Lordship conceives will prove effectual for the maintenance of the public tranquillity.

That, with these feelings, the memorialists, nevertheless, remain impressed with the apprehension of impending danger. They are aware that, for a considerable period during the winter season the great body of the men in the colony are unemployed, and that strong political excitement amongst them cannot fail to be perilous to the peace and safety of the community; and they know, moreover, that the additional troops which have been solicited, and whose presence would be invaluable in the event of any disturbances, could scarcely be expected to reach the colony this season, unless sent out immediately.

That the memorialists forbear adverting again to the recent proceedings of the House of Assembly further than to express their confidence that Her Majesty's Government will not fail to have them fully investigated, and to consider whether the House, as at present constituted, be consistent with the well-being, or even with the safety of the colony.

That the memorialists trust your Lordship will forgive the anxiety and earnestness which urge them again to address your Lordship, and to pray,

That Her Majesty's Government, in addition to the instructions transmitted by your Lordship to his Excellency Governor Prescott, may be pleased, before the season be too far gone, to send out some additional armed force for the support of the Executive, and the more effectual protection of the colony of Newfoundland.

And the memorialists will ever pray, &c. &c. &c.

Liverpool, 12 October 1838.

[21 Signatures.]

— No. 8. —

To the Right Honourable Lord *Glenelg*, Principal Secretary of State for Her Majesty's Colonies, &c. &c. &c.

The Memorial of the undersigned Merchants of *Poole*, trading to and connected with the Island of *Newfoundland*,

Humbly sheweth,

THAT your memorialists possess property in the said island, where some of them have resided, and that the prosperity of the colony is of great importance to all of them.

That your memorialists regret that since the institution of a Colonial Legislature there, strong political dissensions have arisen; and although they are confident in the orderly and peaceable dispositions of the great body of the people, they are, notwithstanding, seriously alarmed at the extraordinary virulence of party feeling there.

That your Memorialists are profoundly impressed with a conviction that by the violent and inflammatory proceedings of the conflicting parties, the interests and safety of the colony are placed in imminent danger; and that it is indispensably necessary the nature of the elective franchise should be revised.

That your memorialists disclaim most solemnly that they are actuated by political motives in addressing your Lordship at this crisis, and assure your Lordship that their own opinions on such subjects are various and adverse; but from a regard to the peace, welfare, and prosperity of the colony generally, they venture to pray,

That Her Majesty's Government will adopt such measures as they in their wisdom shall think fit and proper to sooth party feeling in Newfoundland; and meanwhile, before the season is too far advanced, send out additional troops for the protection of the lives and property of Her Majesty's loyal subjects in the island.

Poole, 5 October 1838.

[54 Signatures.]

— No. 9. —

My Lord,

Bristol, 24 October 1838.

I AM desired by the parties whose names are attached to the accompanying memorial on the affairs of Newfoundland, to transmit the same to your Lordship, and respectfully to solicit your Lordship's attention thereto.

I have, &c.

To the Right Hon. Lord Glenelg,
Her Majesty's Principal Secretary of State
for the Colonies, &c. &c. &c.

(signed) *J. A. Daniell.*

To the Right Honourable Lord *Glenelg*, Principal Secretary of State for Her Majesty's Colonies, &c. &c.

The undersigned Memorial of Merchants and others resident in *Bristol*, trading to and connected with the Island of *Newfoundland*,

Humbly sheweth,

THAT your memorialists, many of whom are possessed of property in the said island, are all of them deeply interested in its welfare and prosperity.

That your memorialists have frequently had to lament the numerous evils and disturbances that have taken place in the island, more particularly since the appointment of a Colonial Legislature, whereby trade has been seriously prejudiced, and the lives and property of Her Majesty's subjects placed in the most imminent peril.

That by advices recently received by your memorialists from the town of St. John's in the said island, they have heard with extreme regret of the arrest of a professional gentleman of high respectability, for an alleged breach of privilege, by order of the House of Assembly, and that upon his being subsequently released by the Judge of the Supreme Court and the High Sheriff of the island, in the exercise of their judicial functions, those gentlemen were themselves taken into custody by a similar order from the House.

That your memorialists, without wishing to make any unnecessary comment upon these proceedings, cannot but regard them with unfeigned sorrow, as indications of the continuance of a most unhappy state of affairs in the colony, unless it shall please Her Majesty's Government to take prompt and efficient measures towards rescuing the island from that internal animosity and distraction which now so alarmingly prevails.

That your memorialists, in addressing your Lordship upon this occasion, are not in the most remote degree influenced by party or political feeling, being purely desirous for their own sakes, as well as for that of their numerous friends and connexions resident in the island, that order and good government should be permanently established. Having the utmost confidence in the peaceable disposition of the greater portion of the inhabitants, your memorialists would venture to suggest the importance of an early investigation on the part of Her Majesty's Government into the nature of the elective franchise, whereby the House of Assembly is constituted, and to which, in the opinion of your memorialists, the evils complained of are chiefly to be attributed.

And your memorialists would therefore earnestly venture to hope that such measures may be adopted for the restoration of peace and tranquillity throughout the island as Her Majesty's Government in its wisdom may see fit, and that before the winter is too far advanced additional troops may be sent out for the more effectual protection of life and property.

And your memorialists will ever pray, &c. &c.

[29 Signatures.]

24 October 1838.

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— No. 10. —

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The humble Petition of the undersigned Clergy, Magistrates, Merchants, Traders, and others, Inhabitants of the Island of *Newfoundland*,

Sheweth,

THAT in attachment to Your Majesty's royal person, in obedience to the laws of their country, in respect to the authorities appointed to rule over them, and in an anxious and earnest desire to uphold the principles of the British constitution, the people of Newfoundland are not surpassed by any portion of Your Majesty's subjects in any part of the world.

That these dispositions of the people of Newfoundland have been at all times testified. When danger threatened from the invasions of foreign enemies, they promptly volunteered in arms to defend the rights of their Sovereign, and to seal their allegiance with their best blood; and never has an individual of this island been known to render himself at any time amenable to the tribunals of his country upon a charge of treason or sedition. But if those feelings had upon former occasions been manifested by the people of this country towards the British Government, much more solicitous are they to acknowledge their love and loyalty to Your Majesty, in whose benign administration are centred all their hopes of happiness and prosperity.

That, animated by these sentiments, Your Majesty's petitioners feel deeply indignant that that portion of the Newfoundland press, as well as that of Britain, which profess opinions hostile to Your Majesty's Government, should, by the repetition of their slanderous attacks upon the character of the people of Newfoundland, seek to awaken in the minds of the British public opinions unfavourable to them and to the institutions of the colony, and to create in Your Majesty's Government prejudices calculated to neutralize those blessings granted to the colony by Your Majesty's royal predecessors, and confirmed by Your Majesty.

That some of the merchants of Liverpool, connected with the trade of this country, should, though totally unacquainted with the present state of the colony, address Your Majesty's Government to adopt measures of coercion against the people of Newfoundland, appears to Your Majesty's petitioners only as part of a general hostility to the growth of free institutions in Newfoundland, manifested by a portion of the mercantile body at all times; and if recently they concurred with the people of the country in soliciting a Local Legislature, their motive is rendered manifest, by the hostility they display upon discovering that the inhabitants, exercising the rights vested in them by Your Majesty's royal predecessors for the advantage of the country, had wrested the representation from them, and placed it in the hands of persons freely chosen by the people, who will use the powers entrusted them, not for the promotion of the aggrandizement of a party, but for the general improvement of the country, the universal good of the whole people.

That, under those circumstances, Your Majesty's petitioners humbly pray Your Majesty to disregard the torrent of misrepresentation that has for some time past been pouring upon the Government, making it appear that in Newfoundland all the bonds of society are severed; that sedition is upon the lips and treason in the hearts of the people; that anarchy has superseded order, and that rebellion threatens to rear her hideous head; that property is insecure, liberty in peril, and even life itself unsafe.

Your Majesty's petitioners beg leave solemnly to assure Your Majesty that there is not at this moment beneath Your Majesty's royal sceptre a country where exists a more perfect state of tranquillity; there is not in existence a people among whom, not only at the present moment, but for very many years, the criminal calendar so completely proves almost an absence of crime. The public records of the country will prove the greatest degree of moral improvement; the industry of the people is manifested in the rapid advancement of agriculture; and every effort of the Legislature, young as it is, and surrounded by difficulties, is directed to improve the face of the country by the
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making of roads; and the intellectual character of its people by the promotion of education. NEWFOUNDLAND.

Your Majesty's petitioners, for these reasons, humbly and reverently pray Your Majesty that, disregarding the misrepresentations of those who are only actuated by a wish to embarrass the councils of Your Majesty's present advisers, in whose justice and wisdom the people of Newfoundland entertain the most unbounded confidence, and not even yielding to the statements of Your Majesty's petitioners implicit credence without investigation, Your Majesty will graciously please, amid the difficulties naturally occasioned by these contradictory and opposite assertions, to order that a commission be given to one or more gentlemen of England, Scotland, or Ireland, unconnected with colonial parties, to inquire at St. John's into the condition and government of this colony, and to report to Your Majesty thereon.

Addresses from
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Individuals.

And Your Majesty's petitioners, as in duty bound, will ever pray.

St. John's, Newfoundland,
11 December 1838.

[2,626 Signatures.]

—No. 11.—

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The humble Petition of the undersigned Clergy, Magistrates, Traders, and others, Inhabitants of *Harbor Grace* and *Carbonear*, in *Conception Bay*, in the Island of *Newfoundland*,

Sheweth,

THAT since the first settlement in Newfoundland to the present period, the people of that important colony have ever maintained their loyalty and attachment to the Throne and Sovereign of Great Britain unimpeached and inviolable, in respect to the constituted authorities, and in unqualified obedience to the laws administered by them. In anxiety to maintain unsullied the great principles of the British Constitution, Your Majesty's petitioners affirm, and history confirms the position, that the people of Newfoundland have rarely been equalled, and never surpassed, by the inhabitants of any colony in Your Majesty's transatlantic possessions.

That while we regard the liberty of the press as the ægis of the constitution, we cannot but regret that it should be made the medium of propagating misrepresentations, affecting the character and loyalty of Your Majesty's petitioners as well as of the people of Newfoundland generally; charges the most foul and unfounded against Your Majesty's petitioners, their representatives, and the Catholic clergy, have been widely disseminated by a venal press, styling itself conservative, in Newfoundland, and echoed, to promote the purposes of party, by an insignificant portion of the press of Great Britain; charges which, if founded on fact, merit the serious consideration of every lover of social order and rational liberty; but which, we emphatically assert, and we challenge contradiction, have neither facts, reason, truth, nor justice to support them.

That while Your Majesty's petitioners maintain that the tranquillity of the country is secure; that the entire population are animated by the purest principles of loyalty; that their desire to uphold the supremacy of the laws continues unshaken and unabated; that security for person and property prevails in every part of the island; that the criminal calendar, in the different districts, exhibits almost a total absence of crime (*Conception Bay*, containing a population of 30,000 souls, being represented as the birth-place of every disturbance and disorder, yet at the last term of the Northern Circuit Court not a solitary bill, even for petty larceny or assault committed in the Bay, was submitted for the consideration of the grand jury); that public confidence, in the purity of intention by which the highest administrator of the laws of the island is actuated, is daily increasing; that the advancement of agriculture has developed the industry and energies of the people; that the efforts of the House of Assembly have been directed to the improvement of the country, and the moral condition of the people by the promotion of education;—their (Your Majesty's petitioners') adversaries, on the other hand, positively affirm that all the above

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allegations are false; that sedition, anarchy, and rebellion are about to burst upon the land, and that life, liberty, and property are placed in the utmost peril.

Your Majesty's petitioners humbly pray, that under these circumstances Your Majesty will be graciously pleased to constitute a commission of inquiry, consisting of individuals unconnected with the colonies and uninfluenced by the prejudices of party, to investigate the various charges propagated by a venal press against the people of Newfoundland, to report upon the state of the colony, its institutions and government, and upon the moral and political condition of its people, and we (Your Majesty's petitioners) pledge ourselves to petition our representatives to defray the expenses of such commission from the colonial revenue.

And Your Majesty's petitioners, as in duty bound, will ever pray.

Harbor Grace, 18 December 1838.

[1,520 Signatures.]

— No. 12. —

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The humble Petition of the Chamber of Commerce of *St. John's, Newfoundland.*

May it please Your Majesty,

WE, Your Majesty's dutiful and loyal subjects, the Chamber of Commerce of St. John's, in the Island of Newfoundland, approach Your Majesty with feelings of the most sincere devotion to Your Majesty's throne and person.

We are impressed with the conviction that no part of Your Majesty's widely-spread dominions is too remote or insignificant to prevent Your Majesty regarding with concern the grievances of Your loyal subjects therein, and affording that redress which the nature of their complaints require.

The Chamber of Commerce of St. John's is composed of 13 mercantile men, elected by ballot from the General Commercial Society of the place, and is intended to represent the trade, and to foster and protect its interests.

Though established for many years, the Chamber has sedulously avoided all interference with, or the expression of any opinion upon, the civil government of the island, or its political affairs; but the perils to which the best interests of the colony are now exposed, and which threaten with ruin its trade and prosperity, compel Your petitioners to depart from their accustomed course, and, with the unanimous and express concurrence of the society at large, to lay before Your Royal Councils, with earnest entreaties for relief, the almost intolerable wrongs they endure.

May it please Your Majesty,

We do not arrogate too much for Newfoundland, when we assert that the immense importance of its commerce to the mother country, its situation, so nearly approximating to the continent of America, and the invaluable and almost inexhaustible resources which its hardy sons afford to Your Majesty's navy, claim from Your Majesty a ready sympathy for its wrongs, and a speedy redress of them.

The value of the annual imports into St. John's alone amounts to from 400,000*l.* to 500,000*l.* sterling, the largest portion of which is for the manufactured goods of Great Britain. The trade and fisheries give employment to a numerous body of hardy and expert seamen, competent and ready at a moment's warning to man the fleets of Great Britain; and at the custom-house of this port alone nearly 800 vessels, exceeding on an average 100 tons burthen each, annually clear.

The soil of the country, though capable of cultivation to an extent which renders its produce a valuable auxiliary to the fisheries, is, and ever must be, incapable of supporting even the number of its present inhabitants. Upon its trade, therefore, and upon it alone, does the very existence of the colony, and its value to the Crown of Great Britain, depend. And when we assure Your Majesty that the interests of the merchant and fisherman are so inseparably interwoven as to amount almost to identity,—that nothing can occur to damnify the one without entailing ruin on the other,—Your Majesty will consider what weight

weight is due to the representations of Your Petitioners, upon a subject which so deeply involves their own prosperity and that of the whole colony.

In this country there are not, as there are in most others, any persons of education residing unconnected with business, and none therefore from whom a large sacrifice of time for the public good can reasonably be expected; nor do many in the lower grades of life settle here for the purposes of agriculture; its population, therefore, with the exception of the learned professions, consists entirely of the merchant, possessing capital and the means of giving employment to the fisherman, and the fisherman, whose wealth consists in his labour, who is not attached to the soil by any tie of family or possessions, and who is prepared to migrate to the United States of America upon the first symptoms of a depression in the trade, or upon the first suggestions of caprice; the exception of the native inhabitants, though highly honourable to them, is not sufficiently important to affect the general principle.

The influx of immigration to this country has of late years been chiefly from the southern and western parts of Ireland, and has supplied a population of Roman-catholics; peaceable and well-disposed when left to themselves, but for the most part uneducated and bigoted, and, consequently, as completely under the dominion of their priests, no less in their temporal than in their spiritual affairs, as if they were so many automata.

To a population so composed a colonial Legislature was accorded by Your Majesty's revered predecessor in 1832.

By that constitution the only qualification prescribed for a member of the House of Assembly was the occupancy of a tenement of any description for two years; and that required for the elector, the occupancy of a similar tenement for one year. It was feared that with such a franchise, in a society constituted as that of Newfoundland is, the whole representative power would centre in the Roman-catholic clergy, and that individuals unfavourable to the good of the colony would be selected by them to fill the seats in the Assembly. The worst fears which the most timorous entertained have been more than realised.

The Roman-catholic clergy, quickly perceiving how useful an engine the House of Assembly might be made for their purposes, lost no time in adopting a line of proceeding calculated to secure the return of a majority of members of their own nomination. Previous to the election, the candidates whom they desire to see returned are named by the priests, or publicly patronised by them. All of their own persuasion who refuse to vote for their nominees, are denounced in the chapel as persons opposed to the authority of their church, and hostile to their priests; the congregations are warned not to deal or hold any intercourse with them; they are branded with contumelious epithets, even by the priests from the very altar, and with blasphemous maledictions are held out to public detestation. Those offices of their church which are regarded by them as most sacred are refused them; the very dead are denied Christian burial, when the deceased, or even a member of his family, had been what they designate "a mad dog." By these and such-like means the Roman-catholic priesthood have succeeded in completely monopolising the representation of the country; and, of consequence, the members of the present House of Assembly, with only one or two exceptions, are persons possessing but little property, hardly any education, and no standing in society, and were selected solely because they would be passive tools in the hands of the priesthood. Nor is it the least mischievous part of this baneful system, that although in a few of the districts the power of the priesthood is not so omnipotent as to prevent the return of respectable men, no person possessing the education and the feelings of a gentleman will enter the Assembly to be associated with the individuals he would there meet.

And here we entreat Your Majesty to observe that the evils we complain of are not speculative; they have all occurred. We speak from bitter experience; and in proof of every statement we have now made, voluminous evidence has been transmitted to the office of Your Majesty's Secretary of State for the Colonial Department.

In whatever dependency of Your Majesty's dominions English law is faithfully administered, there will protection to the lives and properties of Your Majesty's subjects be surely attained; and although evils may exist in its Government, and as large a portion of happiness may not be enjoyed by its inhabitants as under an improved system of policy might reasonably be expected,

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still the ark of British justice will float amidst the troubled waters of discord, and afford a safe and certain refuge in the hour of need. The preservation therefore of the administration of justice from all pollution and contempt, is the object nearest the hearts of those who wish well to their country; for neither life nor property can be secure, nor the Government held in respect, where the judges are men who would be capable of tampering with law for the purpose either of conciliating the Crown, or of pandering to the passions of the people. In Newfoundland, however, the systematic exertions of the House of Assembly for the last few years have been unintermittingly directed to pollute the fountain and obstruct the free course of justice throughout the colony. Not content with persecuting by slanders and false accusations those judges and public officers whose impartiality and vigour rendered them formidable opponents to oppression and outrage, and finally succeeding by a system of falsehood seldom equalled and never surpassed, in getting removed from the Bench a most admirable and experienced chief justice, they have brought the whole weight of their influence to bear upon the magistracy and police force of the island. They have interfered with the duties of the Executive by appropriating to individuals, by name, the most trifling salaries, depriving one constable altogether of his stipend, lessening that of another, increasing that of a third, and this, too, without any complaint being made against the sufferer, or any recommendation in favour of the one benefited, but solely and notoriously because the individuals affected by their votes were either opposed or favourable to the members of the Assembly at their election, or did or did not approve of their subsequent conduct. However contemptible such conduct may appear, the evil effects of it are daily felt more extensively and seriously than we can describe. The peace officers, who are poor and mainly depending for subsistence on their salaries, are naturally deterred from independently doing their duty; and we fear the evil is not confined to these, the lower functionaries.

We feel confidently assured that the same spirit actuates Your Majesty which influenced one of Your Majesty's most glorious and beloved predecessors, and which drew from him the celebrated declaration, "that he looked upon the independence and uprightness of the judges as essential to the impartial administration of justice; as one of the best securities of the rights and liberties of his subjects, and as most conducive to the honour of the Crown;" and we doubt not the same principles are equally applicable to the minor departments of justice.

We most earnestly adjure Your Majesty not to believe that these our representations are the emanations of party spirit; there are no legal distinctions affecting any class of Your Majesty's subjects here; there is only that difference which should, and we hope ever will, exist where the cause does, between those who desire to see peace and happiness prevail, to have their lives and properties shielded by the power of the law; and those who seek to paralyze that law, and to arrogate to themselves a power superior to it. Amongst the latter class must the House of Assembly be ranked; and their acts within the last few months manifest how unquestionable is their title to the distinction.

In August last, a private quarrel occurred in the public streets of St. John's, between a respectable medical gentleman and a member of the House of Assembly; the dispute had no reference whatever to the proceedings of that body.

The medical gentleman was, however, without being permitted to deny the charge, or to offer evidence in his defence, voted guilty of having committed a breach of privileges, and was instantly committed by the Assembly to prison, and kept in close custody for four days. Upon his being brought before one of Your Majesty's judges of the Supreme Court, on a writ of *habeas corpus*, he was discharged, his imprisonment being judged illegal, and a gross infraction on the liberty of the subject.

The order for the discharge of the prisoner was directed to the high sheriff, whose duty it is to obey the mandates of the judges; and it was, in the usual course of business, carried into effect.

Immediately upon the release of their victim being made known, the Assembly hesitated not to outrage the bench of justice itself; and having sent a number of their retainers, they arrested the venerable judge who had thus incurred their displeasure, and, with brutal violence, literally dragged him from his chambers where he was engaged with counsel. This excellent man,

and

and the respected high sheriff of the island, were, in the face of day, paraded through the public streets like common malefactors, were committed to close custody, and were confined upwards of two days, until the Governor, by proroguing the Legislature, obtained their release. Well did Your Majesty's Privy Council express their marked disapprobation of the conduct of the Assembly, upon the former occasion of their showing wilful disrespect to the judges of the land, and endeavouring to bring the law and its administrators into contempt.

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Had Your Majesty's petitioners, and other orderly and respectable persons, obeyed the dictates of their indignant feelings, and by the prompt interposition of physical force, vindicated the respect due to the bench and the liberty of Your Majesty's subjects, little surprise could have been excited, and no blame could have been attached to them; but, desirous of setting an example of forbearance, and of showing our reliance upon Your Majesty and Your Government to procure us ample redress, we repressed our indignation, and now appeal to Your gracious Majesty for the abatement of those grievances which none possessing the feelings of men can tolerate.

On the occasion of the election of members to serve in the first House of Assembly, the system of oppression and intimidation which has lately been in full exercise here had not been organized, and several competent gentlemen were returned. During the existence of that House, the colony was preserved free from debt, the public service was better performed than it has been since, and a few hundred pounds were all that were required to defray the salaries of their officers, and all their expenses: now the colony is considerably in debt; in every session Acts are passed adding to that debt, and yet the contingencies of the House of Assembly annually increase, and this year have engrossed no less than one-sixth of the entire net local revenue of the colony. Surely it is too much to ask any man to bear that 15 individuals shall commit all descriptions of evils and outrages upon the community, and be allowed, whilst so engaged, to help themselves as extravagantly as they please out of the funds of the colony, and support themselves, their families and friends, at the public expense.

To the inhabitants of this island, in general, the stigma of disloyalty cannot with truth attach; they have, as a body, ever been most true to their Sovereign, and obedient to the laws (and, if uncorrupted, will, we have no doubt, so continue). It remained for its House of Assembly to produce, and by its countenance to foster, the first symptoms of disaffection amongst its people. Some of the most active propagators of those principles which have led to the defilement of the fair face of Your Majesty's neighbouring provinces by the detestable crime of rebellion, cruel, unprovoked rebellion, have been in open correspondence with some of the leading members of our House of Assembly; this correspondence was disseminated throughout the country by means of a newspaper of this town, publicly acknowledged to be the organ of the priests' party, and the editor and printer of which is the favoured servant of the said Assembly.

Even after the sanguinary outbreak in Canada had taken place, whilst its plains were still reeking with the blood of Your Majesty's faithful and murdered subjects there, a fervent prayer was offered up through the columns of the same newspaper to the God of battles, solemnly invoking his aid to the rebel cause.

On behalf of ourselves, and the people of Newfoundland in general, we abjure such infamous and disloyal sentiments and proceedings, and profess ourselves ready to shed, were it necessary, our best blood in defence of Your Majesty's gracious person and throne. But if such a body as the House of Assembly of Newfoundland, as at present constituted, be suffered to continue amongst us, we cannot say how long the good principles of Your Majesty's faithful subjects here may remain proof against the contaminating influence of its example.

Your petitioners have anxiously watched the course of public events for the last few years; they have sought to discover if there is any pretence for believing or hoping that the evils they have witnessed and described are imputable rather to the abuse of a good system, than to the natural operations of the system itself, and that public opinion would, at future elections, vindicate itself, and by an expression of unequivocal indignation mark its reprobation

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of the conduct of the present House; but we solemnly assure Your Majesty of our matured and fixed conviction, a conviction equally entertained by nineteen-twentieths of all in the colony who are capable of judging, that no conduct of the members of the Assembly, however unprincipled and atrocious, not even such as we have recently witnessed, would render their return again a matter of the least doubt; and that with a population such as ours, nothing but an immediate and total abrogation of the present colonial Legislature can restore peace to the colony, and prosperity to its trade.

Before a General Assembly was conferred upon Newfoundland, its commerce flourished, its inhabitants were united and happy, no political adventurers sought refuge on its shores, and support from unrighteous agitation, nor were British feeling and justice outraged by acts of eastern tyranny. With the laws fairly administered, and the local government desirous to do right, and not to be intimidated from doing it, the affairs of the colony prospered; but in an evil hour a representative government was granted to it, simply because the want of some power to make local regulations was felt, although that want could have been well supplied by an extended Council, selected by the Crown, and aiding the Governor. A miniature imitation of the British Parliament was inflicted upon us, and an elective franchise conferred upon a people, the mass of whom felt no interest in the enjoyment of it, and possessed not the necessary intelligence to exercise it aright.

If any additional proof were necessary to convince Your Majesty of the inability of the majority of the Roman-catholics here to exercise political power independently, we need only state the fact which the experience of more than one occasion warrants us in asserting, that if it were thought practicable to shake the credit of this or of any other petition, by a contradiction of every fact contained in it, the priests could obtain, in the course of a few hours, some thousands of signatures, to be used as occasion might require, attach them afterwards to such a document as they might prepare, support their statements by oaths, and send them forth to the world as the deliberate opinions of its subscribers. Already has the value of property been depreciated in this country, the rate of insurance on it has been increased, its safety is becoming more insecure, and if the present system be continued those who have the ability and means of benefiting the colony by their presence and fortunes, will seek a home in some other country, the government of which will be more congenial to the tastes and habits of Englishmen.

In desiring to get rid of our present unsuitable form of government, we do not wish to avoid the payment of such taxes as may be necessary to defray the civil expenditure of the colony; we are willing that the same amount of taxation which at present exists be continued, and the proceeds thereof be appropriated to the purposes of supporting its civil institutions, and to the general improvement of the country; but we do not desire, nor can we patiently endure, that persons who have no property in the country, and who contribute nothing to its revenues, shall exercise unlimited power over, and rule with a rod of iron, those who do possess property, and who mainly contribute to the support of its government.

We do therefore most earnestly entreat Your Gracious Majesty, as you value the peace and prosperity of this Your Majesty's oldest dependency, and the happiness of Your loyal subjects therein, that Your Majesty will be graciously pleased to use Your Royal influence in procuring an immediate abolition of our present colonial Legislature, and conferring upon the Governor, and an enlarged Council, to be appointed by Your Majesty, the power of enacting such laws and ordinances as may be necessary for the good government of the colony, in such a manner and under such restrictions as to Your Majesty's wisdom may seem meet.

And Your Majesty's petitioners, as in duty bound, will ever pray.

John Sinclair, President.

Tho. Bennett.

William B. Row, } Vice-Presidents.

Ewen Stabb.

T. B. Bland, }

John Butler Bulley.

W. Richards, Secretary.

R. F. Trimmingham.

Robert Job.

J. Jennings.

B. Scott.

John Nicholls.

St. John's, Newfoundland, Dec. 1838.

The Hon. John Dunscomb, one of the members, is absent from the colony.

Wm. Richards, Secretary.

— No. 13. —

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The humble Petition of the undersigned Merchants, Traders, and Shipowners
of *Conception Bay*.

May it please Your Majesty,

WE, Your Majesty's most dutiful and loyal subjects, the undersigned merchants, traders, and shipowners of Conception Bay, in the island of Newfoundland, approach Your Majesty with feelings of the most sincere devotion and attachment to Your Majesty's throne and person, to lay at the foot of Your most gracious Majesty's throne a statement of the intolerable grievances with which we, in common with others of Your Majesty's loyal subjects, labour in this colony, under the conviction that Your Majesty will graciously lend an ear to our complaints, and afford us that relief which to Your Majesty may seem just and reasonable.

We feel that we cannot appeal to Your Majesty in vain, when we reflect on the care and solicitude with which the Sovereigns of Great Britain have always watched over their colonies, however distant, and being assured that the prosperity of the mother country is so intimately connected with theirs.

The importance of this, one of the most ancient dependencies of the British Crown, is clearly shown by the number of hardy and experienced mariners yearly employed in the trade of the country, who, in any case of emergency, are ready to man Your Majesty's fleets; in the vast annual imports of the manufactured goods of Great Britain; in the employment of a large quantity of British shipping, and of many thousands of Your Majesty's subjects.

The trade of this bay alone employs 250 vessels, the property of those who carry on business in this part of the colony, besides 156 British vessels; and the imports have exceeded 150,000*l.* in one year: it gives employment and affords support to 26,000 persons, who are entirely dependent on the commerce of the country. The population consists principally of merchants and fishermen, whose interests are so connected with each other, that the welfare of one class must be the welfare of both; the merchant cannot carry on business without the fisherman, nor the fisherman without the merchant. Such being the case, it is necessary that the utmost confidence should exist between them. Such confidence, we unhesitatingly assert, did exist previous to the granting a Colonial Legislature to this island, in the year 1832, by his late Most gracious Majesty King William the Fourth; granted, we confess, at the request of many who have since had bitter reasons to repent their having solicited it. That confidence has been shaken, almost destroyed, by designing men, who, for political purposes, have endeavoured to make the poor ignorant fisherman believe that the merchant, who, from every principle of interest must be his friend, is his enemy.

Fluctuating as our population has been, from the contiguity of this island to Canada and the United States, to which countries hundreds constantly resort, our numbers are kept up by the annual importation of young men from Ireland, mostly Roman-catholics, for the most part uneducated and illiterate, who, by the occupancy of any tenement for one year, have the right of voting for the members of the House of Assembly; and, startling as the fact may appear to Your Majesty, by the occupancy of a tenement of any description for two years, are eligible to become members themselves. These men, who are completely under the influence of their priests in temporal as well as spiritual affairs, are mere tools in their hands to enable them to return to the House of Assembly, not men who, if left to their guidance, the electors would necessarily from their own interest wish to see there, but such candidates only as are patronized by the priests, and are subservient to them to carry out their political views.

The present House of Assembly consists, with very few exceptions, of men without talent, without property, without any necessary qualification to constitute "legislators;" of men, who, by their violent proceedings during their last sessions, have outraged the liberty of the subject, by arresting and imprisoning a respectable medical gentleman, without even suffering him to

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make any defence to a charge brought against him of having committed a "breach of privilege" of the House, for some out-of-door quarrel with a member; have even outraged the respect due to Your Majesty, by dragging from the seat of justice one of your Most gracious Majesty's judges, for fearlessly discharging his duties in administering impartial justice to Your Majesty's subjects; have outraged common decency by parading the venerable judge, and the high sheriff, who had obeyed the commands of the judge, like felons through the streets. These things, we respectfully submit to Your Majesty, have occurred, and past proceedings point out to us what we may expect in future. We had almost hoped that the indignation so generally expressed throughout Great Britain and the neighbouring colonies at the violent and unconstitutional proceedings of the House would have taught them wisdom; but the fact of the Speaker of the House having published a letter in one of the newspapers, threatening a member of Your Majesty's Council, the President of the Chamber of Commerce of St. John's, for having presumed to address his Excellency the Governor on the subject of a petition to be forwarded to Your Majesty, to bring it under the consideration of the House as a "breach of privileges," shows that past experience has not taught them wisdom, but that they are again preparing to infringe the liberty of the subject, by interfering with their right of petitioning, and of stating their grievances to Your Majesty. As they did not respect the person of one of Your Majesty's judges, they cannot be expected to respect that of one of Your Majesty's Councillors.

The late decision of the supreme court of this island, that they cannot interfere with the House of Assembly, to give redress to Your Majesty's subjects when imprisoned by the House, however illegally, should the House plead their "privileges," has given alarm to the well-disposed amongst all classes of Your Majesty's subjects. To see an irresponsible power, assumed and exercised by a body of ignorant men, who have already so fearfully abused it, who have by their persecutions caused the removal of the most distinguished judge that has for years presided over the courts of this country, imprisoned another judge for exercising his judgment and discharging his duty, imprisoned the sheriff for obeying the mandate of his superior, are such attacks on the pure administration of justice, that if permitted to pass unredressed, would sap the very foundation of British liberty and of British law, and expose Your Majesty's subjects in this colony to a state infinitely worse than was experienced by our forefathers previous to the obtaining the great bulwark of British rights and liberties, the "Magna Charta," and the still later boon of the Habeas Corpus Act, and is sufficient to arouse Your Majesty's loyal subjects, and cause them to seek relief at the foot of the throne.

Notwithstanding such tyrannical acts on the part of the House of Assembly, and that by the extravagance of their expenditure, and the large sums appropriated under different forms to the members themselves, by which the country has become involved in debt, yet we feel assured, through the influence of the priests over the ignorant electors, the same men would be returned should even another election take place, the same scenes would be re-enacted, and the prosperity of the colony and the welfare of its inhabitants be endangered.

The representation of the country is entirely in the hands of the Roman-catholic clergy, who, by their vast influence over their flocks, can wield them at pleasure; the mercantile community, the trade of the island, is entirely unrepresented. To prove the influence exercised by the priests over their flocks, and the manner in which they can obtain signatures to petitions for any political purpose, we can refer to the one forwarded from this bay within the last month to Your Majesty, stated to have been adopted at a public meeting of the inhabitants of Harbor Grace and Carbonear, two towns that contain a population of nearly 9,000, about half Catholics and half Protestants; we most solemnly aver to Your Majesty, that no public meeting was ever called, but that the few persons who prepared that address met at a Catholic school-room, adjoining the Catholic chapel, and that a great part of the signatures attached to the petition were obtained several days prior to the day on which the meeting was said to have taken place, and the address adopted.

Before the present system existed in Newfoundland, the colony was prosperous, its inhabitants contented and happy; with the General Assembly came political adventurers, who have sown the seeds of discord, and have caused this once peaceful and quiet country to become one of political anarchy and disturbance.

disturbance. We humbly submit to Your Majesty that this country is not fitted for a colonial Legislature; the few years that the General Assembly has existed has proven to every dispassionate mind that it is unsuited to it.

To the existence of the House of Assembly we can trace all the evils that have been inflicted on us; and on its removal alone can we hope to return to our former state of peace and confidence. That we do not pray for its removal on selfish grounds, or to avoid the payment of those taxes which it has imposed on our trade, we beg respectfully to state that we are willing that the existing ones should be continued, in order that Your Majesty's Government may be enabled to defray the civil expenditure of the colony therefrom.

We therefore most humbly pray Your Most Gracious Majesty,

That in regard to the peace and prosperity of one of the oldest of the British colonies, and in compliance with the fervent wishes of thousands of Your Majesty's loyal subjects, who would shed their blood in defence of Your Majesty's person and rights, Your Majesty will be most graciously pleased to use Your Royal influence to procure the abolition of our present Colonial Legislature, and to substitute instead thereof a system of government better suited to the character and condition of the country, in such form and manner as to Your Majesty's wisdom may seem meet.

And Your petitioners, as in duty bound, will ever pray.

[79 Signatures.]

Conception Bay, Island of Newfoundland,
20 February 1839.

— No. 14. —

To the Most Noble the Marquis of *Normanby*, Her Majesty's Principal Secretary of State for the Colonies, &c. &c. &c.

May it please your Lordship,

WE, the undersigned merchants of Torquay, connected with the trade and fisheries of Newfoundland, beg to call your Lordship's attention to the political state of that island, and more particularly at this season, when we are about to embark our capital, and engage our fishermen for the ensuing summer, the extent of which must depend on our assurance of safety and protection in the island.

From the undoubted information we have received from Newfoundland of the state of the political feeling there, and from the gross and outrageous proceedings of the House of Assembly, we are of opinion, that the only remedy for the many evils complained of, is the abolition of the Local Legislature there, and a return to a more protecting form of government, which we humbly and earnestly recommend to your Lordship's consideration.

Torquay, 28 February 1839.

[Nine Signatures.]

— No. 15. —

To the Most Noble the Marquis of *Normanby*, Principal Secretary of State for Her Majesty's Colonies, &c. &c. &c.

The Memorial of the undersigned Merchants of *Liverpool*, trading to and connected with the Island of *Newfoundland*,

Humbly sheweth,

THAT the memorialists, during the last few months, have repeatedly addressed your Lordship's predecessor on the subject of the distracted state of the said island, and, very recently, a deputation of their body, associated with Mr. George R. Robinson and other gentlemen connected with the colony, had the honour

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Individuals.

That the memorialists remain deeply impressed with the necessity of some essential change being made in the legislative government of the island, in order to allay the violence of party and political feeling amongst the people, and to restore commercial confidence and credit, which are suffering severely under the pressure of the evils referred to

That the memorialists complain both of the constitution of the House of Assembly and of its proceedings: of its constitution, inasmuch as the candidates require no other qualification than that they shall have been householders in the island for two years; and the electors, that they shall have been householders for one year, the description of house occupied by either class not being regarded. As respects its proceedings, it may suffice only to mention to your Lordship, that, during the last session, the Assembly, in the exercise of its privileges, first imprisoned a highly respectable individual, a surgeon of St. John's, who had had a quarrel with one of the members, and then ordered into custody both the judge and the high sheriff who had judicially discharged him; for which grievances it now appears, by a decision of the Supreme Court, that there is no redress in the colony.

That, with so low a qualification for both candidates and electors, in a population the great mass of which is composed of fishermen, it falls out, in the practical working of the system, from dictation on the one hand and terror on the other, that the merchants and wealthier classes are totally unrepresented in the Assembly; and this is the case, while the experience of its past acts creates very reasonable apprehension as to its proceedings in future.

That the island, being dependent for its supplies of provisions upon the merchants, it is most important, both that their credit in the European markets should be unimpaired, and that their apprehensions of disturbance in the colony should be removed, otherwise there is ground to fear that adequate supplies will not be sent out, whereby the people must be subjected to privation and suffering, and the fisheries to serious harm and loss.

That with these views, the memorialists wait now upon your Lordship, and humbly and earnestly pray,

That your Lordship may be pleased to take the state of Newfoundland, as respects its government, and especially as respects the constitution of the House of Assembly, into consideration, inquiring into the same by commission or otherwise, if such course be deemed advisable, with the view of applying an early and efficient remedy to the existing evils.

And your memorialists will ever pray, &c. &c. &c.

Liverpool, 7 March 1839.

[18 Signatures.]

— No. 16. —

To the Most Noble the Marquis of *Normanby*, Her Majesty's Principal Secretary of State for the Colonies.

May it please your Lordship,

WE, the undersigned merchants and others of Dartmouth, in the county of Devon, carrying on business, having property and otherwise interested in the Island of Newfoundland, being about to invest capital to a large amount in forwarding our usual annual supplies for the outfit of the fisheries, and for other purposes, beg leave to call your Lordship's serious consideration to the perilous state in which property is placed in that island, in consequence of political dissensions arising from a defectively-constituted House of Assembly, and its outrageous proceedings, and which has been brought under the notice of Her Majesty's Government from time to time, by petitions and memorials, as well from those interested in its trade and fisheries on this side the Atlantic, as from a great number resident in the said island. We trust we shall not be considered obtrusive in repeating that we have serious apprehensions for the safety of our property in Newfoundland, and do most earnestly entreat your

Lordship

Lordship will use your best influence and assistance to effect the abolition of the Local Legislature of that island, as the only means by which peace can be restored, property rendered secure, and the consequent return to the good faith and harmony that had ever existed previously to the granting of the Royal Charter.

NEWFOUNDLAND.
 ———
 Addresses from
 Public Bodies and
 Individuals.

Anticipating the concurrence of Her Majesty's Ministers to the prayers of the numerous petitions and memorials that have been brought under their consideration, and abrogate the present Charter, we would humbly and respectfully suggest that the most effectual and most satisfactory government, for the future well-being of the island, would be by a Governor and an extended Council, to be nominated by the Executive; being assured, from the general state of society, that the elective franchise will not tend to the end of a good, wise, and well-regulated government.

Dartmouth, 8 March 1839.

[17 Signatures.]

— No. 17. —

To the Most Noble the Marquis of *Normanby*, Her Majesty's Secretary of State for the Colonies, &c. &c. &c.

My Lord,

Teignmouth, 12 March 1839.

YOUR Lordship's memorialists having for many years past been engaged in the trade and fishery of Newfoundland, view with great suspicion and alarm the encroachments on our liberties in the island, and the imposts levied on the articles of life necessarily imported there to carry on the fishery, which have been made and done by the House of Assembly, operating as they do against the fisheries, which are so much encouraged by other nations, both for their general benefit and the excellent nursery of seamen for the navy which they are found to afford.

Embarking, as we now are from these circumstances, to a much less extent than usual in the trade of Newfoundland, we shall another season be compelled to abandon it altogether unless your Lordship affords us protection; and we cannot but be impressed with the conviction, that the only lasting and efficient remedy for the evils which have so recently arisen there, will be the abolition of the Local Legislature, and a freedom from taxation of the necessities of life.

We are, &c.

[19 Signatures.]

NEWFOUNDLAND.

COPIES of Addresses received from the Legislative Council or Assembly of *Newfoundland*, or from Public Bodies or Individuals in that Colony, relative to the State of Affairs there.

(*Mr. Gladstone.*)

*Ordered, by The House of Commons, to be Printed,
12 August 1839.*

NOVA SCOTIA, &c.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 20 February 1839;—for,

COPIES or EXTRACTS of any CORRESPONDENCE received from *Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland*, relative to the Constitution of the Legislative and Executive Councils of the Governments of those Colonies, or to their being made Elective, or to any Change that has been required by any Branch of the Legislature of those Colonies to be made to the said Councils, within the last Eight Years; also, to any Change that has been made, or directed to be made in them, or in any Mode of appointing New Members of the said Councils.

Colonial Office, Downing-street, }
26 August 1839.

H. LABOUCHERE.

(Mr. Hume.)

Ordered, by The House of Commons, to be Printed,
27 August 1839.

[*Price 1 s. 4 d.*]

[illegible]

SCHEDULE.

NOVA SCOTIA.

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NOVA SCOTIA.

NOVA SCOTIA.

— No. 1. —

No. 1.

COPY of a DESPATCH from Viscount *Goderich* to Lieutenant-Governor
Sir *P. Maitland*.

Sir,

Downing-street, 7 Dec. 1830.

MY attention having been directed to the constitution of the Councils in the provinces of Nova Scotia and New Brunswick, with the view of giving them a more independent character, by introducing a larger proportion of members not holding offices at the pleasure of the Crown; I have to request that you will report to me, in the event of its being considered desirable to increase the number of the council in the province of Nova Scotia, how far it may be practicable to find a sufficient number of persons of respectability of this description, whose services may be employed advantageously as councillors.

I have also to acquaint you, that in future it is proposed that the puisne judges of the province should not be admitted to seats in the Council.

I have, &c.
(signed) *Goderich*.

— No. 2. —

No. 2.

(No. 2.)

EXTRACT of a DESPATCH from Lieutenant-Governor Sir *P. Maitland* to
Viscount *Goderich*, dated Halifax, Nova Scotia, 17 January 1831.

THE December mail has brought me your Lordship's despatch of the 7th of that month, calling upon me for information as to the practicability of improving the constitution of the Council of this Province, and giving it a more independent character by introducing a larger proportion of members not holding office at the pleasure of the Crown.

Previous to the resignation of your Lordship's predecessor in office, I was informed (not officially) that the measure of establishing a distinct Legislative Council in this colony had been more than once pressed on the attention of His Majesty's Government, and I received an intimation that my sentiments on this question were desired, and I had only hitherto deferred submitting any detailed plan in the hope of being able to furnish the Secretary of State with more accurate information on some points, than my short and interrupted connection with the affairs of this Province had yet enabled me to supply.

I must beg leave to premise, before submitting to your Lordship any observations on the projects, that I am aware of no feeling of dislike to the constitution of the Council, deserving to be called the public feeling, having at any time been manifested here. There has undeniably been some expression of dissatisfaction, but it has been for the most part confined to the speeches of some members of the Assembly, and the columns of one or two of our numerous weekly journals; but the general opinion has not been unfriendly to this body. The individuals that compose it have been respected as such, and as a body they have not been thought to exercise their functions otherwise than conscientiously and wisely.

It must, however, be admitted that the dissemination of the Report of the Committee of the House of Commons, and the other published documents on Canadian affairs, has excited, as well here as in other colonies, the expectation of a change, which in the case of the Canadas has been represented of such importance as to be necessary to the well-being of the colonies; and this expectation

NOVA SCOTIA.

tation I cannot recommend your Lordship to disappoint, for it cannot be reasonably expected that a state of things which has been so unreservedly condemned by such authority will long continue to be acquiesced in in any of the colonies, however complacently it may be regarded or quietly submitted to at present.

Whether the contemplated measure of increasing the Council, in the manner suggested by your Lordship's despatch, will fulfil the expectations I have alluded to, will doubtless appear to your Lordship a point very deserving of serious consideration, but I shall not deal fairly by your Lordship, or His Majesty's Government, if I did not express my apprehension that it may not, for it will not remove the ground of the main exception taken to the Council, that, as a body, it occupies two distinct places in the constitution, and combines in itself functions which it is held, ought here, as in England, to be kept separate. I think, moreover, it is but reasonable to anticipate that the public mind in this colony being once directed to the object of legislative reform, will scarcely fail to expect, that when a change shall take place in a state of things, long held to be established, it will be such a change as will bring the constitution of this as near as that of any other colony to the great model in the mother country.

The constitution of this Province was not bestowed like that which is enjoyed by the two Canadas under the same statute, the 31st George 3, by an Act of the British Parliament, nor like that which has been granted to some other colonies, by a specific charter from the King; what it derives from Royal authority is to be found only in occasional instructions, transmitted as circumstances require to successive governors; amongst these instructions so transmitted, it is not strange that some should contradict others, nor that those of an early date should assign functions to the two Houses of the Legislature, very different from those which are exercised by the corresponding bodies of the mother country, and it was long ago considered desirable by the highest legal authority in this Province, that whatever was right and conformable to the British constitution in the existing state of things, should be established and placed beyond the reach of controversy by the sanction of an imperial statute; "objections," it was affirmed, "having often been made in the Assemblies to the Royal Instructions, as not obligatory on them, but on the Governors only."

Sir James Kempt's
despatch to Earl
Bathurst, 20
March 1824.

I have stated these things, because whatever course may be decided upon, whether that of simply increasing the Council, or that of going to the full extent of conferring by imperial statute, such a constitution as the Canadas enjoy, it will be so momentous in its consequences to this peaceable and happy colony, that I cannot but feel anxiously desirous that your Lordship, before coming to a decision, should be made thoroughly acquainted with the state of things in the Province. For this purpose I transmit the enclosed papers, and for the same reason I have judged it right to commission Mr. Justice Halliburton, the senior puisne judge of the Supreme Court, to proceed to England with this despatch. Mr. Halliburton has for many years rendered himself useful to the colony, by taking an active and useful part in its legislative proceedings, during which he was in full possession of the confidence of my three immediate predecessors; and I have no hesitation in introducing him to your Lordship, as a person whom your Lordship may safely consult in all matters connected with the interests of this Colony; and had I no other reason for selecting him on this occasion than the letter from the Secretary of State, conveying his unqualified approbation of the manner in which Mr. Halliburton had executed a service of a very delicate nature, I should have thought that sufficient.

— No. 3. —

No. 3.

(No. 8.)

COPY of a DESPATCH from Viscount *Goderich* to Lieutenant-Governor
Sir *P. Maitland*.

Sir,

Downing-street, 1 March 1831.

I HAVE the honour to acknowledge the receipt of your despatch of the 17th January last, respecting the separation of the Executive and Legislative Councils in Nova Scotia, and the proposed addition to the representation of the province.

I am

I am too well aware of the great importance of these two questions to the welfare and tranquillity of the province, and to the good understanding which at present prevails amongst the different branches of the government there, to have any desire to disturb this satisfactory state of affairs by any alterations in the present system which might not be desired by the province itself.

I am at the same time disposed to think that you have given a wider interpretation than was intended to my letter of inquiry on the propriety of separating the Executive from the Legislative Councils; and although I am happy to avail myself of the experience of Mr. Halliburton to acquire information from him respecting the affairs of the province, yet I should not have thought it necessary to require the presence of any one from Nova Scotia on the present occasion.

In regard to the Council, after having consulted with Mr. Halliburton and Mr. Archibald, I am not of opinion that it is advisable at this moment to effect any change in the condition of the Council beyond making some addition to the number of the members. I am therefore to request that you will report to me your opinion as to the propriety of increasing the Council to the number of 15 members, and that you will transmit to me the names of such persons, not being in the employment of Government, as you may consider most eligible, from their character and attainments, to belong to that branch of the legislature. With respect to the vacancy caused by the death of the late attorney-general, I am to request that you will fill it up by the appointment of the person whose influence as a landed proprietor would point him out as most fitted for that situation.

The increase in the number of the representation of the province, or any further alteration in the Council, will, if necessary, become matter for future consideration.

I have, &c.
(signed) *Goderich.*

— No. 4. —

No. 4.

COPY of a DESPATCH from Lieutenant-Governor Sir *P. Maitland* to
Viscount *Goderich.*

Government House, Halifax,
6 June 1831.

My Lord,

YOUR Lordship having done me the honour, in your Despatch of the 1st March, to require my opinion as to the propriety of increasing the Council of this province to the number of 15 members, I have given my best consideration to the subject, and after reviewing all the circumstances that have occurred to me, as connected with the question, I have no hesitation in stating that the proposed augmentation would, in my opinion, be decidedly advisable.

In the same Despatch I am desired to fill up the vacancy in the Council, caused by the death of the late attorney-general, by the appointment of the person whose influence as a landed proprietor should point him out as most fitted for the situation. With the exception of the gentleman already in the Council, I believe Mr. Henry A. Cogswell to be the wealthiest landed proprietor we have, and that he derives from his possessions, character and intelligence a corresponding share of influence in the community. His residence is fixed in the town of Halifax, and he holds the office of Registrar of the Court of Chancery; but I have ascertained that he is willing to resign this office, and I know not that his having held it ought to be considered as an obstacle to his appointment. His legal knowledge and readiness in transacting business are calculated to render him very useful in the Council, as the casual absence of the judges causes the want of these qualifications to be much felt. I do not foresee that any material business is likely to require the attention of the Council before your Lordship's sentiments on this subject can be received; but should any such occur, I shall consider myself as fully authorized to appoint Mr. Cogswell to the vacant seat.

In obedience to your Lordship's commands, I transmit the names of three other persons considered by me as eligible, from their character and attainments,

4 CORRESPONDENCE RESPECTING THE GOVERNMENT OF

NOVA SCOTIA.

ments, to seats in the Council. The gentlemen I am about to name have extensive family connexions, and are in the habit of associating with many respectable and intelligent persons, who are little known in what is thought the highest class of society here, a class (I mean not the slightest reproach to its members in the observation) which has undeniably not increased its very limited circle in proportion to the increase and advancement of the province. I am inclined to believe, however, that the appointment of the persons I shall name will not be viewed with any degree of dissatisfaction by the class of society to which I have just alluded, and that they would form an addition to the Council, which would be greatly approved of in the colony.

Mr. Peter M'Nab is the proprietor of a valuable and extensive island about two miles from the town, where he resides among his tenantry.

Mr. James Tobin is a Roman-catholic, a merchant in affluent circumstances, of sound understanding and good judgment.

Mr. Joseph Allison is the President of the Chamber of Commerce, and probably possesses more mercantile information than any other person in the province; and his services at the Council Board would be very valuable.

None of these gentlemen have applied for appointment, nor are they aware of my intention of recommending them to your Lordship.

I have, &c.

(signed) *P. Maitland.*

No. 5.

— No. 5.—

(No. 18.)

COPY of a DESPATCH from Viscount *Goderich* to Lieutenant-Governor
Sir *P. Maitland*.

Sir,

Downing-street, 7 July 1831.

I HAVE the honour to acknowledge the receipt of your despatch of the 6th June last, in which you state your opinion that it would be expedient to increase the number of the Council of the province of Nova Scotia to 15 members, and recommending the following gentlemen as an addition to that board, which would be very generally approved of in the colony, viz.

Mr. Peter M'Nab,
Mr. James Tobin,
Mr. Joseph Allison.

I have to acquaint you, in reply, that his Majesty has been pleased to approve of the appointment of those gentlemen to be members of the Council of Nova Scotia; and I am to request that you will direct the usual application to be made for their mandamus at my office.

I have, &c.

(signed) *Goderich.*

No. 6.

— No. 6.—

COPY of a DESPATCH from Lieutenant-Governor Sir *P. Maitland* to
Viscount *Goderich*.

Government House, Halifax,
26 August 1831.

My Lord,

IN reference to your Lordship's despatches of the 1st of March, and 7th July, I have the honour to inform your Lordship that His Majesty's approval of the appointment of Messrs. Cogswell, M'Nab, Tobin, and Allison, as members of the Council of this Province, has been duly notified; and that I have directed those gentlemen to make the usual application for their mandamuses.

I have, &c.

(signed) *P. Maitland.*

(No. 51.)

COPY of a DESPATCH from Viscount *Goderich* to the Officer administering the Government in Nova Scotia.

Sir,

Downing-street, 8 December 1832.

IN carrying into effect the recommendations of the Committee of the House of Commons on the subject of the Councils in Upper and Lower Canada, my attention has also been directed to the composition of that branch of the legislature in New Brunswick and Nova Scotia, particularly to the custom that the Executive and Legislative Councils, though distinct bodies, should consist of the same individuals.

To this practice I think there are several objections which induce me to believe that it might with advantage be departed from; the circumstance of the same gentlemen being members of both Councils has a tendency, I think, to prevent either from discharging with effect the duties which ought to devolve upon it.

The Executive Council should consist of a small number of gentlemen, including perhaps one or two influential members of each branch of the legislature, with whom the governor might confidentially consult upon the executive business of the government. To this council it would not be proper to nominate any of the judges; the chief justices in Upper and Lower Canada having retired in deference to the opinion which had been expressed by the House of Commons on the subject.

The Legislative Council, on the other hand, should principally consist of gentlemen independent of and unconnected with the government, and selected from the principal inhabitants of the province, and those having the greatest stake in its welfare. The Council appears to me at present too numerous to be usefully consulted by the governor in the administration of affairs, whilst it is not sufficiently so, and has too close a connexion with the executive government, to enable it to possess the weight and authority which should belong to it as an independent branch of the legislature.

It appears to me, therefore, desirable that the members of the Legislative Council should be increased, and that its members should cease to be necessarily members of the Executive or Privy Council; while at the same time the latter should consist of only five or six members, and be composed of one or two members of the present Council and of the Assembly, and those of the chief officers of government whom the governor might think it desirable to include in it.

I am also of opinion that, with the exception of the chief justice, the judges ought not in future to be appointed members of the Legislative Council.

Having communicated with Sir A. Campbell on the subject, he has entirely concurred in the propriety of introducing in the Council of New Brunswick the alteration to which I have adverted in this despatch, and His Majesty has been pleased, at my recommendation, to establish, by commission under the great seal, two distinct and separate councils in that province, the Executive Council consisting of five members, whilst the Legislative will at present be increased to about 14 members.

I am therefore desirous of obtaining the sentiments of yourself and his Majesty's Council on the subject. If a similar measure should be considered desirable in Nova Scotia, and likely to promote the interests of the province, and to be acceptable to the inhabitants, I should be ready to advise His Majesty to grant a similar commission for Nova Scotia.

I have, &c.

(signed) *Goderich*.

6 CORRESPONDENCE RESPECTING THE GOVERNMENT OF

NOVA SCOTIA.

No. 8.

— No. 8. —

COPY of a DESPATCH from Mr. President *Jeffery* to Viscount *Goderich*.Government House, Halifax,
20 March 1833.

My Lord,

I HAVE given much attention to your Lordship's despatch of the 8th December 1832, No. 51, the receipt of which I had the honour to acknowledge on the 27th January; but as I have not deemed it advisable to bring the subject of it officially before the whole body of the Council, during the sitting of the Legislature, I am not yet prepared to comply with your Lordship's requisition for their sentiments, and my own, upon the expediency of introducing in the Council of this Province the alterations lately adopted in that of New Brunswick.

My intention was to take the opinion of the Council on the proposed measure at the close of the session; but as, by recent intelligence from New Brunswick, the change in the constitution of that Province does not appear to have given satisfaction, a disinclination would probably be entertained here to the immediate adoption of a similar measure; and the agitation of the question at the present period might, in my humble opinion, have a tendency to disturb the peaceful state of the colony.

Under these circumstances, I shall deem it prudent to withhold your Lordship's despatch from the Council until I am honoured with your Lordship's further instructions for my guidance.

I have, &c.

(signed) *Thos. N. Jeffery*.

— No. 9. —

No. 9.

(No. 5.)

EXTRACT of a DESPATCH from Mr. President *Jeffery* to the Right honourable *E. G. Stanley*; dated Government House, Halifax, 8 March 1834.

THE House of Assembly have also had under consideration the present constitution of His Majesty's Council, and have passed resolutions, declaring "the Council to be defective, because its Members combine legislative and executive powers; and that, in the opinion of the House, a Legislative Council distinct from the Executive Council, and more extensive in numbers than at present exists, may, with great advantage to the public interests, be selected from His Majesty's loyal subjects in this Province." A committee has been named to prepare an address to His Majesty on the subject, or to report a Bill, as they may deem the preferable mode of accomplishing the object.

In my reply to Viscount *Goderich*'s despatch of the 8th December 1832, requiring the sentiments of myself and His Majesty's Council, upon the propriety of introducing into the Council of this Province the alteration then recently adopted in that of New Brunswick, I stated my reasons for considering the agitation of the question to be at that period inexpedient, and I mentioned that I should therefore take the liberty of withholding his Lordship's despatch from the Council until I should be honoured with further instructions, which have not been received.

I shall now, however, deem it my duty to lay the despatch before them; and I hope to be soon able to communicate with you, more fully and satisfactorily than I can at present, on a subject which involves so many serious considerations.

— No. 10.—

COPY of a DESPATCH from Mr. President *Jeffery* to the Right honourable
E. G. Stanley.

No. 10.

Government House, Halifax,
7 May 1834.

Sir,

IN a despatch which I had the honour to address to you on the 8th March last, I mentioned that as the subject of the constitution of the Council in this Province had come under discussion in the House of Assembly, and a committee of the House had been appointed to prepare an Address to the King, praying that two Councils, executive and legislative, might be established, I should deem it my duty to submit to His Majesty's Council, Viscount Goderich's despatch of the 8th December 1832, (which, for reasons formerly explained, had not been communicated to them,) requiring their sentiments upon the expediency of such a measure; and I have now the honour to recommend to your attention the enclosed extract from their minutes.

As this paper enters fully into the subject, I have but to express my own concurrence in the Board's unanimous opinion that the proposed separation of the executive and legislative functions of the Council would be attended with many and very serious evils; and I therefore earnestly hope that the reasons adduced in support of that opinion may convince His Majesty's Government of the propriety of permitting Nova Scotia, until better prepared for a change, to retain its ancient constitution.

I have, &c.
(signed) *Thos. N. Jeffery*.

Enclosure in No. 10.

Encl. in No. 10.

In Council, 6th May 1834.

THE President laid before the Board a despatch from the Right honourable Viscount Goderich, dated Downing-street, the 8th December 1832, requiring the opinion of the Council upon the expediency of establishing in Nova Scotia two separate councils, executive and legislative, composed for the most part of different individuals.

After giving their best consideration to this important communication, the Council would gladly have declined offering any opinion upon a subject which appears to be nearly connected with themselves and their office. But as this Board, from its establishment in the year 1749 to the present day, have not been accustomed to shrink from any duty committed to them by His Majesty or His Government, because it was difficult or unpleasant, they will proceed at once to give, with frankness, the result of the best judgment they have been able to exercise upon this question, which they have felt to be one of some delicacy.

If the theory of the constitution were alone regarded, the example in the parent country would prompt them to say, such a separation of the Executive from the Legislative Council as is proposed, would be desirable; but it is manifest that the difference in the condition of the two countries is so great, that no parallel can be preserved: and looking at the subject practically, they perceive at once very serious objections to the proposal.

The intention of the Government is, without doubt, to nominate to the Legislative Council sensible and well educated men, possessing large landed property, separated from office, and having influence in the different counties in which they reside: upon a supposition that such men would be likely to concur with the most respectable majorities of the House of Assembly in all questions which affect the great interests of the country, and so preserve harmony in the Legislature. But, unhappily, such men are not to be found in the several counties of Nova Scotia; and even if they could be found, there is much reason for believing they would not be more ready than the members of the present Council to concur with the House of Assembly in such objects as have sometimes been differently entertained in the two Houses. If the personal allusion may be excused, it may be remarked that the discernment of Sir James Kempt, when Lieutenant-governor of Nova Scotia, and anxiously looking for such persons as have been described, placed two members of the present Board in the Council, because he was satisfied they answered the description as completely as any individuals that could be found in the colony. But it is well known, and the minutes of Council supply the information, that these individuals, wholly unconnected with office, whose independence in every respect has never been questioned, have been uniformly opposed to the views of the House of Assembly on each of those few occasions when a difference of opinion in the two branches of the Legislature has given dissatisfaction to the lower house, and excited their complaints. It is only on account of the difficulty, or rather the impossibility of finding more persons in the different sections of the province, with all the qualifications which these possess, that the number of the present Council has not been increased. In selecting individuals therefore to fill a more extensive legislative council,

8 CORRESPONDENCE RESPECTING THE GOVERNMENT OF

NOVA SCOTIA. a different description of persons must of necessity be taken, and the most eligible that could be found would be so many of the best members of the House of Assembly as would be required, or of the fittest candidates for seats there, whose services would be more important and more valuable in that House, which could ill spare them, than in the other, and whose appointment to the Council would therefore be an injury to the House of Assembly and to the province.

The Government, it is believed, look forward to an increase of strength and influence in the Legislative Council, as the natural result of the proposed alteration. But those in Nova Scotia, who desire the change, are loud in their complaints that the Council are already too powerful. The Government therefore must be disappointed in their expectation, or the dissatisfaction of those in the colony who desire the change must be increased, as soon as that change is effected; and either of these consequences is very undesirable.

But perhaps a more serious objection will be found in the effect that has been produced in those colonies into which the measure has already been introduced. The present state of the Canadas supplies such objection in full force. The measures of their legislative Councils, for some years past, have given rise to more complaint and invective than were ever known under the more ancient constitution of the colonial councils. These complaints, indeed, have been so multiplied that an elective council, which would inevitably lead to a republican constitution, is boldly insisted upon by the complainants as the only effectual remedy for their alleged grievances.

In New Brunswick the experiment has been recently made, and instead of affording general satisfaction, has created unusual discontent in that peaceable province, which will not be easily allayed, unless by a return to the ancient system.

The records in the Colonial Office will show whether Nova Scotia, under its present constitution, has been more or less quiet and contented, and easily governed than those colonies into which a different constitution has been introduced, while the testimony of its governors and the journals of its council will show what part that body, as at present constituted, has had in promoting the welfare of the people. The Board will be excused from saying more on this point, but they earnestly request the reference and the comparison may be made by His Majesty's Secretary of State.

If it should be alleged as a reason for making the proposed alteration that some desire for it has been expressed, it may be observed that change of any and of every kind will never be without advocates, while discontented and self-interested men form a part of every community. There has been no evidence that the measure is generally desired in the colony, and if some, or even many, wish for it, it is not probable that all these will be satisfied if the change should be accomplished. There will be ten expectants for every appointment that will follow; nine-tenths of these must therefore be disappointed, and thus discontent will be increased. The subject has indeed been under discussion in the House of Assembly, where the first mention of it has led some of its advocates, and even His Majesty's Solicitor-general, among others, to express a desire for an elective Council; with total disregard or forgetfulness of the obvious fact, that the balance of the constitution would at once be destroyed, when no intermediate body would be left between the representative of the Crown and the representatives of the people. But it is believed that the subject has never yet created much interest in that House, although several of its members have been named as expectants of seats in the Executive and Legislative Councils.

All these considerations lead to the conclusion that the suggested alteration should not be hastily made, even if the acts of the Council, or the character and conduct of the individuals who compose it, were obnoxious to objection. Whether they are so obnoxious may be easily ascertained by the Secretary of State from the discerning individuals now in England, who have been Governors of the colony, but have ceased to be connected with it; and these distinguished persons, when giving their testimony to the character and usefulness of the Council, as now constituted, can easily state whether the Board, although ready and anxious at all times to promote the objects of the Government when they could conscientiously promote them, have ever flinched from offering their honest advice, when they have been so unfortunate as to differ in opinion from the representative of their Sovereign.

A due regard to all the circumstances which have now been mentioned, and to many others which need not be enumerated, has satisfied the Council that it must be desirable to retain in the Province its ancient constitution, which hitherto has neither been inconvenient nor unsuccessful. It may easily be altered at a future day, when the colony shall be more ripe for such a change, if the new constitutions which have been introduced into the adjoining colonies, should, notwithstanding the inconvenience which now attends them, ultimately prove to be superior, in practical effect, to those for which they have been substituted; but the Council are impressed with a conviction that at present the proposed change is unnecessary, and would prove not only useless, but injurious; and they feel confident that this explicit declaration of their opinion will at least be received as evidence of the honesty with which their advice is given, whether called for by His Majesty's Government, or by His Majesty's representative in the province.

If more than has already been stated were wanting to strengthen the opinion which the Council have now expressed, a full confirmation of it would be supplied by the very extraordinary measures which have recently been adopted in the House of Assembly in Lower Canada, where indulgent compliance with unreasonable claims has created a habit of yielding on one side, and a habit of complaining and demanding on the other, until ultimate objects are now avowed, which fill every loyal subject with regret and alarm; and the dis-

contented

contented have boldly declared, with revolutionary violence, that one of the most favoured and happy colonies of the most indulgent monarch in the world, must be converted into a republic. NOVA SCOTIA.

Having now performed the duty which has been laid upon them, the Members of the Council have only to add, with every feeling of respect, that if His Majesty's Government should not be satisfied with the view they have taken, and with the reasons they have adduced in support of that view, the same feelings which have always influenced this Board will prevail. Nothing can be more foreign from their wish than to be impediments in the way of any measure which His Majesty or His Government may deem essential to the welfare of the colony; and therefore, as it has been their uniform and only desire, in their present station, to be instrumental, according to their ability, in promoting the honour of His Majesty, and the benefit of the province, they are ready to retire from that station whenever it may be thought their retirement will conduce more effectually than their continuance, to those important objects.

A true extract from the minutes.

Council Chamber, Halifax,
7th May 1834.

(signed) *Ruperto George.*

—No. 11.—

No. 11.

(No. 65.)

EXTRACT of a DESPATCH from Major-General Sir *Colin Campbell*, G. C. B.
to Lord *Glenelg*; dated Halifax, 9 March 1837.

As I think your Lordship will be desirous to know how things are going on here since the meeting of the Legislature, I shall as briefly as possible state to you their proceedings.

The House passed several resolutions, animadverting upon the construction of His Majesty's Council, and the disposition evinced by some of its members to protect their own interests and emoluments at the expense of the public; and also asserting their right to control and distribute the casual and territorial revenues of the country, &c.; which resolutions were passed by considerable majorities, but not without much opposition, and a committee was appointed to draw up an address to His Majesty, embracing the substance of these resolutions.

The Council, however, very temperately, but firmly, sent a message to the House of Assembly, in consequence of their attack upon some of their members; and I am happy to inform your Lordship that the Assembly, finding they had gone too far, have rescinded the whole of their resolutions, as well as the appointment of the committee who were to prepare their address. So that I now hope that things will proceed in a more calm manner, and that the business of the Province will be attended to.

It is evident to me, from the temper of the House, that before the conclusion of the session, an address will be drawn up to His Majesty, praying for a reconstruction and separation of the Council, and for the surrender of the casual and territorial revenues. I trust, from what has occurred, that it will now be done in moderate and proper terms.

I hope, before the end of the session, to be also enabled to submit to your Lordship the names of fit and proper persons to be added to the Legislative Council, and also the names of those individuals whom I consider the most eligible and proper to form the Executive Council of this Province, as it is evident that the reconstruction and separation of the Councils cannot be much longer delayed, without causing dissatisfaction and excitement, which it is desirable to prevent, particularly as two separate and distinct Councils are now established in the other North American Provinces.

The papers which I have the honour to enclose are the copies of the messages and of the resolutions alluded to in this despatch.

10 CORRESPONDENCE RESPECTING THE GOVERNMENT OF

NOVA SCOTIA.

Enclosures in
No. 11.

Enclosures in No. 11.

(No. 1.)

In the House of Assembly,
2 February 1837.

ON the motion of Mr. Doyle, the following Resolutions were passed unanimously :—

Resolved, That the practice hitherto pursued by His Majesty's Legislative Council in this Province, of excluding the people from their deliberations, is not only at variance with that of the House of Lords, in England, and that of several of the Legislative Councils in the other British North American Colonies, but contrary to the spirit of the British constitution, and injurious to the interests and liberties of this country.

Resolved, That while this House have no desire to deny to the upper branch of the legislature the right enjoyed by the representatives of the people, and sanctioned by public opinion, of closing their doors during the discussion of questions of order and privilege, and on particular occasions when the public interests may require secret deliberation; yet they should fail in their duty if they did not express to His Majesty's Council the deliberate conviction of those they represent, that the system of invariable exclusion pursued for a series of years, is fraught with much evil, and has a tendency to foster suspicion and distrust.

Resolved, That this House is prepared to provide for the expenses which may be incurred for the accommodation of the public in the Legislative Council Chamber.

On motion of Mr. Doyle,

Resolved, That a conference, by committee, be desired with the Council, on the general state of the Province; and that, upon such conference, the Committee of this House do communicate the foregoing Resolutions to the Committee of the Council.

Ordered, That the Clerk do request such conference.

(No. 2.)

In the House of Assembly,
4 February 1837.

A MESSAGE from the Council, by Mr. Halliburton.

Mr. Speaker,

The Council have directed me to deliver to this Honourable House a Message, which is in writing:—And he read the said message at the bar of the House, and afterwards delivered it into the House, and then withdrew. The said message was again read by the Clerk at the table of the House, and is as follows:—

Council Chamber, 4 February 1837.

Resolved unanimously, That a message be sent to the House of Assembly to inform them that the Council cannot continue the conference to which they consented yesterday, as it commenced on the part of the House by a breach of the privilege of the Council, and a violation of parliamentary usage, which prohibits one House from interfering with the internal regulations of the other.

The British constitution does not confer a right upon any person to be present at the deliberations of any branch of the legislature, of which he is not a member. The rights of an Englishman are not held by so precarious a tenure as the courtesy of any of his fellow-subjects; and it is notorious that the only mode of gaining admission to the House of Lords is by procuring a special permission from a Member of that House, which may be either granted or withheld at the pleasure of the person to whom the application is made; and it is thus obvious, that it is asked and received as a courtesy, and not claimed as a right. But although His Majesty's Council do not admit the right, they have for some time had under consideration the expediency, of adopting the example of the two Houses of Parliament in the mother country, who now very generally refrain from enforcing the standing orders, which preclude strangers from being present at their debates.

Although this practice is not unaccompanied by inconveniences, it is productive of much good. It gives to members of the legislature an opportunity of explaining the reasons which induce them to support or oppose the measures under discussion with greater publicity; and may thus not only shield themselves from misconstruction, but may also remove much misconception, relative to those measures, from the public mind.

His Majesty's Council have this subject still under consideration, and will come to such decision upon it as they shall deem most conducive to the public good; but they cannot permit the House of Assembly to interfere with their deliberations upon it. The best interests of the country require that each branch of the legislature should scrupulously preserve that independence which the constitution has bestowed upon it, and which would soon be destroyed if either were to allow the other to interfere in the regulations of its own House.

His

His Majesty's Council have seen by the journals of the House of Assembly, that the House has this session departed from the pious usage which has ever prevailed in this country and the parent state. They regret that their coadjutors in legislation do now discuss and decide upon the various measures which the public interest brings under their consideration without offering up their united supplications for the aid and guidance of Him from whom alone all good counsels and all just works do proceed; but deeply as they may deplore this, they feel that they have no right to interfere; and the subject is only alluded to, to show that if such interference of one House with the regulations of another could ever be proper, His Majesty's Council might be more justified in reminding the House of Assembly of the duty of adhering to the ancient and Christian practice of daily and unitedly imploring the Divine blessing upon our gracious Sovereign, and their own deliberations, than the House of Assembly can be in applying to His Majesty's Council to adopt a practice new in this country, and which, notwithstanding its many advantages, has had its attendant evils wherever it has been introduced.

NOVA SCOTIA.

(No. 3.)

His Majesty's Council perceive, by the journals of the House of Assembly, which the Council have this day received, that the House have passed several resolutions conveying accusations against His Majesty's Council, and, among others, one declaring that some of the Members of His Majesty's Council have evinced a disposition to protect their own interests and emoluments at the expense of the public.

His Majesty's Council admit that it is not only the right, but the duty, of the House of Assembly, to propose any alteration in the institutions of the country which they think would prove beneficial to the people; but they cannot admit the House to have any right to pronounce the members of the Council to be guilty of acting from corrupt motives; and if they have evinced a disposition to protect their own interests and emoluments at the expense of the public, their motives must be corrupt.

That decorum which regulates the intercourse of society would not long be preserved in private life, if in the transactions of the legislature, where a more ceremonious observance of it ought to prevail, one branch should be permitted to commit so great a violation of it upon the other, without expostulation or resistance.

His Majesty's Council trust that the House of Assembly will, upon further consideration, perceive that a resolution containing such accusations against a co-ordinate branch of the legislature is inconsistent with those rules of decorum.

His Majesty's Council would deeply deplore the evils the country would sustain from an interruption of the public business. They trust that the House of Assembly would equally deprecate such an event; and they therefore earnestly hope that the House will feel the propriety of rescinding this resolution, as His Majesty's Council feel that if they were to continue to hold communication with the House while that resolution remains unrescinded, they would justly forfeit their self-respect, as well as the respect and confidence of the public.

It therefore now remains with the House of Assembly to prevent any interruption of the public business; and the Council repeat their earnest hope that the House, by an act of justice, will enable the Council to co-operate honourably with the House in carrying forward the business of the session, and bringing it to a harmonious and happy issue, with all possible benefit to the people and to the Province.

— No. 12. —

(No. 77.)

No. 12.

EXTRACT of a DESPATCH from Lord *Glenelg* to Major-General Sir *C. Campbell*, G.C.B. dated Downing-street, 30 April 1837.

YOU give me reason to infer (Despatch, 9 March 1837) that the Assembly desire such a change in the constitution of the Legislative Council as would bring it into correspondence with the system at present in force in the Canadas and in New Brunswick.

It is of course understood in the province that in all the British colonies possessing representative assemblies, except the Canadas and New Brunswick, the Council is a single chamber, called at different times to the discharge of legislative functions, and to the duty of assisting in the administration of the executive government.

The separation of this body into two distinct chambers, the one legislative and the other executive, is an experiment which was first tried in the Canadas by the Act of 1791, and repeated in New Brunswick in the year 1832. So far as I have been able to judge, the result of this innovation has not been such as

NOVA SCOTIA. to exclude very serious doubts respecting its real usefulness. It may well be questioned whether the maintenance of the existing constitution of the council of Nova Scotia would not be the best mode of subjecting that body to a direct and effective responsibility, and of securing to each of the two houses of legislature its just weight and legitimate influence in the deliberations and measures of the other. His Majesty, however, is graciously prepared to act on this question in conformity with such advice as shall be deliberately tendered to him by the representatives of the people of Nova Scotia, because the King will not refuse to his people in that province every participation in the institutions of the other provinces of British North America, which their representatives may regard as conducive to the general good, and because his Majesty is convinced that their advice will be dictated by more exact and abundant knowledge of the wants and wishes of their constituents than any other persons possess or could venture to claim. I willingly abstain from entering on the discussion of the alternative of an Elective Council, suggested in one of the rescinded resolutions. It is unnecessary for me to say more on this subject than to express my conviction that the suggestion was thrown out by the Assembly rather as a possible compromise of a supposed difficulty than as expressing any fixed opinion that the evils of which they complain would be remedied only by so essential a change in the constitution.

The objections made by the Assembly to the actual composition of the Council are but too well founded, and whether that body shall retain its present form or shall be resolved into two separate chambers, it must undergo a very comprehensive change in its component parts.

It is now for the first time disclosed to me, and, as I have reason to think, it was never understood by any of my predecessors in office, that in this small body there have been included several gentlemen united together in one commercial partnership, that the members have been almost without exception from the inhabitants of Halifax or its vicinity, and that the great majority of them are all members of one religious community, which is stated to be the least numerous of any of those into which the population of Nova Scotia is divided. It is impossible that distinctions so invidious should not be productive of serious discontent; especially must this be the case when peculiarities of religious belief are assumed as the ground of admission or exclusion.

In the list, which you propose to transmit for his Majesty's consideration, of gentlemen qualified to sit in the Council of Nova Scotia, it will be your care to introduce the names of persons connected with all the great interests, agricultural, commercial, manufacturing, or professional, existing in the province. You will also, as far as possible, propose candidates connected not merely with the capital but with the other principal towns, and with the rural districts. Your recommendations will be altogether uninfluenced by any consideration of the relation in which the proposed councillors may stand towards the Church of England, or any other society of Christians; it will indeed be your care to avoid, as far as possible, such a selection as may even appear to have been dictated by motives of this description; and it may therefore be necessary that you should advert to differences of religious opinion amongst the various candidates for this honour, not as constituting any criterion of eligibility, but as a security against the semblance of undue favour to any particular church.

If the information on which the House of Assembly proceeded shall prove to be accurate, it is not improbable that the necessity may arise, not merely for the introduction of many new members, but for the exclusion from the list of councillors of some of the gentlemen at present holding seats there. I advert to this subject the more readily, because, as no charge has been preferred against any individual, such a change, if really essential to the establishment of public confidence in this body, will be made without the infliction of any reproach or unmerited pain on any of the gentlemen who may be immediately affected by it. Thus, for example, I do not think it defensible that more than one member of the same commercial house should sit at the council board; and if it be true that this rule has been violated, the retirement of one or more members of any such firm will not, I trust, be regarded, as it will certainly not be designed, as a personal slight or degradation.

The next in order of the questions raised by the Assembly is, whether the chief justice should retain his seat in the Council. On this question I do not anticipate

anticipate any serious difficulty. In the event of the separation of the Council into two distinct chambers, it is His Majesty's pleasure that neither the chief justice nor any of his colleagues should sit in the Executive Council. NOVA SCOTIA.

Even if that change be not made, the King thinks it right that neither the chief justice nor any other judge should be present at any of the proceedings of the Council in its executive capacity. The principle to be steadily borne in mind and practically observed is, that all the judges, including the chief justice, should be entirely withdrawn from all political discussions and from all participation in the measures of the local government, or of any persons who may be acting in opposition to it. It follows that, even in legislation, the chief justice and his brother judges should take no part whenever (as must often happen) the adoption or rejection of a law may involve some question of party politics. The only motive for retaining the chief justice in the Council would be, that he would probably contribute to the general improvement of the permanent laws of the province with a greater extent of experience and knowledge than any other member of that body; but it may fairly be questioned whether this advantage can be acquired consistently with that security which His Majesty is most anxious should be taken against any of the judges being drawn into the political discussions of the country. Perhaps the wisest course would be, that which prevails in some of the colonies eastward of the Atlantic, where the judges are excluded from the local legislature, but are required to revise every Act before it is finally passed, and to report their opinion whether it is framed in such a manner as to secure the attainment of the objects which the Legislature may have in view. The benefit of judicial knowledge and experience is thus obtained without any sacrifice of judicial independence. These, however, are questions on which His Majesty desires to act in conformity with the deliberate opinion of the people at large, and with the benefit of the advice of their representatives.

— No. 13. —

(No. 78.)

No. 13.

COPY of a DESPATCH from Lieutenant-Governor Sir *Colin Campbell*, G.C.B. to Lord *Glenelg*.

Government House, Halifax,
5 June 1837.

My Lord,

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 30th April, in which your Lordship, in anticipation of an address from the House of Assembly, places me in possession of instructions for my guidance on the several topics which my communication of the 9th March had prepared your Lordship to expect would be shortly brought, in that form, under the consideration of His Majesty's Government by the Assembly.

I have since had the honour of transmitting to your Lordship the address in question, with the observations of His Majesty's Council upon it, and a few remarks of my own on that part of it which relates to the contemplated change in the constitution of the Council.

In these documents, the last subject is so fully entered into, that your Lordship will probably have little difficulty in deciding upon the question whether the legislative reform to be introduced into this Province shall be to the extent desired by the House of Assembly, that is, a division of the Council into two separate chambers, or shall simply consist, for the present, as I have ventured to recommend, of an addition of four or five new members, as legislative councillors only, and of the exclusion, as your Lordship suggests may be necessary, of some of those who now have seats at the Council Board.

Finding by your Lordship's despatch that it is very doubtful whether the experiment of separating the Council into two distinct chambers, which was first tried in the Canadas, and subsequently repeated in New Brunswick, has, in either case, been attended with the expected benefit, and also that it may well be questioned whether the maintenance of the existing constitution of the Council of Nova Scotia would not be the best mode of subjecting that body to a direct and effective responsibility, and of securing to each of the two Houses its just weight and legitimate influence in the deliberations and measures of the

14 CORRESPONDENCE RESPECTING THE GOVERNMENT OF

NOVA SCOTIA. other, I would fain hope that our constitution, which has hitherto worked well, may not suddenly undergo any very essential alteration.

Your Lordship will, I think, perceive, on reading the observations of the Council, that there is hardly any real ground for the dissatisfaction which is said to exist in the Province, and that the grievances complained of by the Assembly are for the most part theoretical ; and I feel persuaded that the change contemplated to remedy them, if adopted, will be found here, as it has, I believe, proved elsewhere, full of practical injury. In colonies where it is wholly impossible to find or form materials for anything like the House of Lords, it is hardly possible to imagine a plan by which the deficiency can be so well supplied or atoned for as by the union of legislative and executive power in a carefully selected body of the most respectable and influential members of the community, well acquainted with all the concerns of the country. Their connexion with the government is the best attainable substitute for an aristocracy, which can never exist in these colonies. As a check to the democratic influence which is rapidly growing here, they will no doubt often be obnoxious to the democratic branch of the legislature ; but it is wise and wholesome to place them thus between the representative of the Crown and the representatives of the people. When the Council is changed, and its executive and legislative characters are sundered, the King's representative must be prepared to encounter the whole of the odium, when any check is offered to the views of the Assembly, however wild those views may be.

I should have no other observations to offer on the subject at present, had not your Lordship intimated that, even if no division of the Council take place, His Majesty would still think it right that the chief justice should not in future assist in the administration of the executive government.

I trust I shall not be considered as presuming to urge the slightest objection to a full compliance with the Royal will, when I state, as I feel it my duty to state, that, however wrong it may be in theory for the chief justice to take any part in the executive proceedings of the Council, great benefit has in fact resulted, for more than 50 years, from the circumstance of the chief justice being *ex officio* senior member of the Council. During that period, there have been three chief justices, and it was never even whispered that political bias affected the judicial conduct of any one of them : they have all been eminently useful in the Council, and equally distinguished on the bench. The holder of this office must always possess intellectual attainments of a superior order, and have the best means of acquiring, in the discharge of his circuit duties, that intimate acquaintance with every part of the country, and with all classes of its inhabitants, which, united with his general and professional knowledge and habits of business, render him the most efficient member of the Board.

Of the present chief justice, it is enough to say that his integrity and talents are universally acknowledged, and that it would be impossible to find in the Province any one so well qualified to preside in the Legislative Council. In this, therefore, I trust he will be permitted to remain, even if his exclusion from the other be deemed expedient.

The papers alluded to in your Lordship's despatch, explaining the principles on which His Majesty has been pleased to authorize a settlement of the financial question of New Brunswick, not having been sent, I have written to Sir John Harvey for copies of the more recent parts of your Lordship's correspondence with his predecessor and himself on the subject, and I shall take care to govern myself by those principles in any similar arrangement into which it shall become my duty to enter with the legislature of this Province ; nor shall I fail to attend to your Lordship's instructions in preparing the list which is expected from me of gentlemen eligible as councillors.

I have, &c.

(signed) C. Campbell.

— No. 14. —

NOVA SCOTIA.

No. 14.

(No. 71.)

COPY of a DESPATCH from Lieutenant Governor Sir *Colin Campbell*, G. C. B.
to Lord *Glenelg*.

Government House, Halifax,
1 May 1837.

My Lord,

My despatch of the 9th March will have prepared your Lordship for the Address of the House of Assembly, which I now have the honour to enclose, representing various grievances under which the inhabitants of this Province are said to labour, and praying His Majesty, as a remedy for them, to grant an elective Legislative Council, or to separate the Executive from the Legislative Council, providing for a just representation of all the great interests of the Province in both, and securing the responsibility of the former to the Commons.

This Address, containing several charges against the Council, I felt it to be my duty, in justice to that body, to lay a copy of it before them, for otherwise they would have had no opportunity of noticing it officially. The Council have in consequence presented an address to me, accompanied by various observations on such of the charges of the Assembly as are not of too general a nature to be refuted, and urging numerous objections to any wide departure from the ancient constitution of the Province. I have also the honour to enclose these two documents, with the several papers annexed to them, and request that your Lordship will be pleased to lay them at the foot of the Throne, with the Address of the Assembly.

Viewing the subject theoretically, important advantages might be expected from the establishment of two distinct Councils; at the same time I cannot but think that the arguments used by the Council against the actual adoption of the measure deserve serious attention.

As far as I am myself concerned, I should prefer things to remain nearly as they are, for I have had every reason to be satisfied with the conduct of my Council, as well in their legislative as executive capacity, and I feel persuaded that any material change in the constitution of that body, however well considered the plan of its improvement might be, would not diminish the dissatisfaction which at present exists. An addition of four or five, however, to the Council, as legislative councillors only, would, I think, be desirable, and would naturally lead, under improved circumstances, to the formation of a distinct Legislative Council. This is all the change that I can recommend at present; but should your Lordship be of opinion that the time is arrived for assimilating the constitution of this Province to the constitutions of the neighbouring colonies, your Lordship may rest assured that I shall cheerfully assist your Lordship in making the necessary arrangements for carrying the measure into effect before the next meeting of the Legislature.

I have, &c.
(signed) *C. Campbell*.

Enclosure in No. 14.

ADDRESS of the House of Assembly to the King, complaining of the Constitution of His Majesty's Council, and other Grievances; with an Address of the Council to the Lieutenant-Governor, and their Observations in reference to the Address of the Assembly.

Encl. in No. 14.

TO THE KING'S MOST EXCELLENT MAJESTY.

The humble Address of the House of Representatives in General Assembly,
for the Province of Nova Scotia.

May it please Your Majesty,

WE, Your Majesty's dutiful and loyal subjects, the representatives of Nova Scotia, while approaching the Throne to ask for a redress of grievances, tender the assurance of the unabated attachment of those we represent to Your Majesty's person and Government. The people of Nova Scotia, when anything trenches upon their rights, or retards their prosperity, turn to their Sovereign, as the father of all his people, wherever their lots may be cast; and whose affection is not diminished by distance, nor bounded by the four seas of Britain, but extends to the most remote limits of his empire, rearing, wherever practicable, institutions favourable to freedom, and fostering that love of justice, that nice sense of the relative

duties

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duties of the Government and the governed which distinguishes the parent state. Nor is their confidence in Your Majesty diminished by the reflection that in early life you visited Nova Scotia, and in maturer years have sanctioned those vast reformatory changes at home, which embolden them to seek for a revision of their institutions, and the introduction of those checks and guards, without which they feel that private happiness and public liberty can never be secure.

In the infancy of this colony its whole government was necessarily vested in a governor and council; and even after a representative assembly was granted, the practice of choosing members of council almost exclusively from the heads of departments, and persons resident in the capital, was still pursued, and with a single exception has been continued for the last 30 years. The practical effects of this system have been in the highest degree injurious to the best interests of the country, inasmuch as one entire branch of the legislature has generally been composed of men, who, from a deficiency of local knowledge, or from the natural bias incident to their official stations, were not qualified to decide upon the wants or just claims of the people, by which the efforts of the representative branch were, in many instances, neutralized or rendered of none avail.

Among the many proofs that might be adduced of the evils arising from the imperfect structure of the upper branch, it is only necessary to refer to the unsuccessful efforts of the Assembly to extend to the outports the advantages of foreign trade, to the enormous sums which it was compelled, after a long struggle, to resign for the support of the customs establishment, to the difficulties thrown in the way of a just and liberal system of education, and to the recent abortive attempts to abolish the unconstitutional and obnoxious fees taken by the judges of the Supreme Court.

While the population of this province is composed, as it appears by the last census taken in 1827, of 28,659 members of the Episcopal Church, and 115,195 Dissenters, which proportions may be assumed as fair at the present time, the appointments to the Council have secured to the members of the Church, embracing but one-fifth of the population, a clear and decided majority at that Board. They have now in that body nine members. The Presbyterians, who out-number them by about 9,000, have but two; the Catholics, who are nearly equal, but one; while the Baptists, amounting by the census of the same year to 19,790, and the Methodists to 9,498, and all other sects and denominations, are without any of their members in a body whose duty it is to legislate for all. The Catholic bishop has no seat at the Council Board, and clergymen of that and other denominations are, as they ought to be, excluded, yet the bishop of the Episcopal Church has been since the year 1809, and still is a member.

Your Majesty will readily perceive that, whether designed or not, the mere circumstance of one body of Christians having such an overwhelming influence in the Legislative and Executive Council, has a tendency to excite a suspicion that, in the distribution of patronage, the fair claims of the dissenting population, founded upon their numbers, respectability and intelligence, are frequently overlooked. This is not the only objection urged by the people of Nova Scotia against the composition of the Council, and to which it is our duty to call Your Majesty's attention. Two family connexions comprehend five of its members, and until very recently, when two of them retired from the firm, five were copartners in one banking establishment; to this latter circumstance has been attributed the failure of the efforts of this Assembly to fix a standard of value and establish a legal currency.

The people of this province have for years asserted, and still most respectfully assert, their right to control and distribute the casual and territorial revenues of the country, whether arising from the fees of office, the sale of lands, or the royalty paid upon the produce of the mines, as also the amount of the old Crown duties. The lands of the province are in effect mortgaged to pay to the commissioner a salary out of all proportion to the duties he is called on to perform. Since his appointment in 1831, 5,624 *l.* 8*s.* 10*d.* have been received on account of 107,923 acres of lands sold, and the whole amount, except 216 *l.* 8*s.* 0½*d.* has been taken to pay the Commissioner and defray the expenses of the department, while all the mines and minerals of the province are held under a lease for 60 years by a wealthy English company, without the consent of, and independent of all control by, the representatives of the people.

Apart from the mere question of judges' fees, **this** Assembly is convinced that the presence of the chief justice at the Council Board has a tendency to lessen the respect which the people ought to feel for the courts over which he presides, while the position occupied there by the collectors of the customs and the excise is also unwise.

Though this Assembly might illustrate the evils arising from the structure of the Council by other examples, sad experience has taught them that it is not always safe to attempt to convey to the foot of the Throne representations that are disagreeable to its members. A year's revenue, and all the appropriations, were sacrificed in a protracted struggle with the upper branch in 1830; and during the present Session the Assembly found itself compelled, by a regard to the public interest, to rescind a series of resolutions, passed after grave deliberation, and comprehending many of the topics touched on in this address. The evils arising from the structure of the Council are heightened, and rendered more injurious by the practice adhered to by that body, of shutting out the people from their deliberations. This practice they still maintain, although it is opposed to that of the House of Lords in England, that of the Legislative Councils of Lower Canada, New Brunswick, and Newfoundland.

foundland, and notwithstanding the murmurs and complaints of the people for a long series of years, and the representations and remonstrances of this Assembly. NOVA SCOTIA.

While this House has a due reverence for British institutions, and a desire to preserve to themselves and their children the advantages of the constitution, under which their brethren on the other side of the Atlantic have enjoyed so much prosperity and happiness, they cannot but feel that those they represent participate but slightly in those blessings. They know that the spirit of that constitution, the genius of those institutions, is complete responsibility to the people, by whose resources, and for whose benefit, they are maintained. But in this colony the people and their representatives are powerless, exercising upon the local Government very little influence, and possessing no effectual control. In England, the people, by one vote of their representatives, can change the ministry, and alter any course of policy injurious to their interests; here the ministry are Your Majesty's Council, combining legislative, judicial, and executive powers, holding their seats for life, though nominally at the pleasure of the Crown, and often treating with indifference the wishes of the people and the representations of the Commons. In England, the representative branch can compel a redress of grievances by withholding the supplies; here, they have no such remedy, because the salaries of nearly all the public officers being provided for by permanent laws, or paid out of the casual and territorial revenues, or from the produce of duties collected under Imperial Acts, a stoppage of supplies, while it would inflict great injury upon the community, by leaving roads, bridges, and other essential services unprovided for, would not touch the emoluments of the heads of departments in the Council, or of any but a few subordinate officers of the Government.

As a remedy for these grievances, we implore Your Majesty to grant us an elective Legislative Council; or to separate the Executive from the Legislative Council, providing for a just representation of all the great interests of the province in both; and by the introduction into the former of some members of the popular branch, and otherwise securing responsibility to the Commons, confer upon the people of this province what they value above all other possessions, the blessings of the British Constitution.

17 April 1837.

George Smith, Speaker.

TO His Excellency Major-General Sir *Colin Campbell*, Knight, Commander of the Most Honourable Military Order of the Bath, Lieutenant-Governor and Commander-in-Chief in and over the Province of Nova Scotia and its Dependencies, &c. &c. &c.

THE ADDRESS OF HIS MAJESTY'S COUNCIL.

May it please Your Excellency,

His Majesty's Council feel it to be their duty to offer their sincere thanks to Your Excellency for communicating to them the Address of the House of Assembly, containing complaints against the constitution and conduct of the Council of this Province.

If His Majesty's Council believed that any serious grievances existed in this retired but peaceful colony, they would gladly co-operate with the House of Assembly in humbly representing them to His Majesty, with unbounded confidence in the gracious inclination of their Sovereign to redress every wrong.

But deeply interested as they are in the prosperity of a province, which is the home of themselves and their families, they look with anxiety upon every proposal to make important changes in the constitution of a colony which has hitherto had abundant cause for contentment, and whose happiness they are unwilling to hazard by any experiments that might endanger its institutions, or diminish the prosperity and peace which it now enjoys.

It cannot be expected that every part of the conduct of any legislative body should give universal satisfaction; and when the Council have differed from the House of Assembly upon the expediency of any measure which the House have originated, it is neither unnatural nor unusual for the disappointed supporters of such measures to complain of the body by which it was rejected.

The Council cannot be called upon to vindicate their conduct against general charges, which in their nature are incapable of refutation, and can only be met by the general character of the accused.

To the opinion of their proceedings entertained by the intelligent and upright members of the community, the Council look without apprehension.

Upon those parts of the Address which contain anything like specific complaints, the Council have felt themselves called upon to make some observations, which they do now submit to your Excellency, with a request that you will have the goodness to transmit them, with the Address of the House of Assembly, to His Majesty's Principal Secretary of State for the Colonies; and they humbly hope that when that high officer lays that Address at the foot of the Throne, he will inform the Sovereign that his faithful and loyal Council in Nova Scotia are prepared to vindicate their conduct, and to answer every charge that can be brought against them.

Brenton Halliburton,
President.

20 April 1837.

NOVA SCOTIA.

OBSERVATIONS of His Majesty's Council for the Province of *Nova Scotia* on the Address of the House of Assembly of the Province to His Majesty.

THE first complaint stated in the Address is, that members of Council have been chosen almost exclusively from the heads of departments, and from persons resident in the capital, who, from a deficiency of local knowledge, or from the natural bias incident to their official stations, were not qualified to decide upon the wants or just claims of the people.

It is not necessary now to consider whether it was wise to select members of Council from the heads of departments or not, as no recent instance of such selection has taken place.

The chief justice, the bishop, the collector of the customs, and the collector of imposts, are now the only public officers at the Board, and nearly 20 years have elapsed since the last was appointed; the eight junior members are all gentlemen unconnected with the government by any other office than that of member of the Council. It seems difficult, therefore, to assign any reason for bringing that forward among the list of grievances.

The residence of the members of the Council in the capital is next complained of.

If the King's representative were now called upon to supply the names of gentlemen residing in the country, qualified to become legislative councillors, who would be willing to perform their duty without remuneration, His Majesty's Council are of opinion that his Excellency would feel great difficulty in making such nomination.

To the various charges contained in the third clause of the Address, it may be observed, that the opposition made by the Council to extend to the outports the advantage of foreign trade, is confined to the representations which they made on the 16th May 1834, and submitted to His Majesty's Government.

That Report was founded on the conviction that the extension sought for by the House of Assembly would have the effect of counteracting the provisions of the Act of the Imperial Parliament for regulating foreign trade, facilitate smuggling, diminish the provincial revenue, injure the fair trader, increase the expenses of the customs department, and operate injuriously upon British and colonial shipping.

For a statement of these views the Council refer to the representation hereinbefore alluded to, by which it will be seen that although they were opposed to the general extension of the free port system to the whole province, they did not advocate the confinement of it to Halifax only.

That the Council took any part in determining upon the amount of the sum which the House of Assembly states it was compelled to resign for the support of the Customs establishment, is distinctly denied. The Council only concurred in the Bill which the House of Assembly passed, to give effect to the arrangement which now exists.

The Council are at a loss to know to what the House of Assembly allude, in stating that the Council have interposed difficulties to the introduction of a just and liberal system of education. The Council are, and ever have been, earnestly desirous to promote liberal education; but as that cannot be done without the provision of funds adequate to the object, it is the province of the House of Assembly, and not of the Council, to provide them. The Council would readily concur in any judicious system which the House of Assembly would originate to promote so desirable an object.

The Council deferred the consideration of the Bills sent up by the House of Assembly, to abolish the chief justice's fees, because they would not legislate upon a subject which, if brought under their consideration at all, should have been brought before them in their judicial and not in their legislative capacity.

All the chief justice's predecessors in office had received those fees, except for two years, during which a commutation was given for them to that officer by law, out of the public treasury, and no provision was made in these Bills for any such commutation.

If any grievance existed, a remedy should have been sought by law here, and had the decision proved unsatisfactory, an appeal lay to His Majesty and His Privy Council in England.

But the House of Assembly, without seeking for redress in a court of law, applied directly to His Majesty; and the answer to their Address, as communicated by the Right Honourable the Secretary of State for the Colonies, should have prevented the House of Assembly from introducing this subject as a grievance chargeable upon the Council.

The next complaint is, that while dissenters in this province are much more numerous than the members of the Church of England, nine churchmen are members of the Council, and only two Presbyterians, and one Catholic, leaving the numerous body of Baptists and others altogether unrepresented.

The first observation that suggested itself in reply to this complaint is, that the Council are not the representative branch of the Legislature, and if it were, it is quite a new principle of representation to classify all the religious sects in the country, and apportion the representatives who are to compose a legislative body according to the relative number of each.

The language of liberality has recently been, that men should be selected for the discharge of political duties without reference to their religious creeds, but this liberality it appears must not be extended to the members of the Established Church.

His Majesty's Council are confident that, with the exception of the bishop, who rarely attends their meetings, not one gentleman was ever called to the Council on account of his being

being a member of the Church, but solely because the Governor for the time thought him an eligible person. NOVA SCOTIA.

Admitting the relative numbers of the various religious sects in this province to be correctly stated in the Address, the people themselves have not acted upon this new principle of representation, for it will be found that a much greater number of churchmen have been elected, and are now members of the representative branch of the Legislature, than this principle would warrant.

The numerous body of dissenters in this province contains many persons of intelligence and respectability; but His Majesty's Council think it right, in order to vindicate the conduct of the Governors who recommended the several members who now sit at the Board, to state, that a great number of the loyalists who settled in this province after the American Revolution were churchmen. Among these were men of education and comparative affluence, who were then better enabled to bestow a liberal education upon their children than those who were struggling for a subsistence in a new country, and hence it arose that a greater proportion of churchmen have often been found qualified to fill public stations, than a mere reference to their relative numbers would have led us to assume; but this accidental superiority is fast wearing away; and all recent appointments show that the Government cannot be justly charged with any undue preference to members of the Church. Neither of the three last appointed councillors, before alluded to, are churchmen. The master of the rolls, the attorney-general, the solicitor-general, the clerk of the Crown, are all dissenters, and have been appointed within these few years to their respective high offices, and the patronage of the government will be found to have been exercised as it respects other minor appointments, without any reference to the religious creed of the various candidates for office.

The present period, therefore, appears to have been not very opportunely chosen to bring forward the presence of so many churchmen at the Council Board, as one of the prominent grievances of Nova Scotia.

If His Majesty's Council could entertain any other feeling than that of deep regret, at the attempts which have been made to excite discontent in this hitherto happy and peaceful province, they would be gratified to discover this proof of the difficulty of finding real grievances here.

The framers and supporters of this address have devoted a great part of the session to this subject, yet this prominent grievance remains unsupported by a single fact—not one instance of partiality for churchmen in the exercise of patronage has been adduced; but His Majesty is told that he will readily perceive that the mere circumstance of one body of Christians having such an overwhelming influence in the Council, “has a tendency to excite a suspicion,” that in the distribution of patronage the fair claims of the dissenting population are frequently overlooked.

It is worthy of remark, that four of the churchmen now at the Board were appointed by governors who belonged to the Church of Scotland (Lord Dalhousie and Sir James Kempt), while the three dissenters recently called to the Council, owe their appointments to Sir Peregrine Maitland, a zealous member of the Church of England.

If the framers of this address are ignorant of the past history of the province, it is presumptuous in them to approach the Throne with any representation upon this subject. If they are acquainted with it, they must then know either that this abuse of patronage has or has not taken place. If it has, they should have stated the instances; if it has not, it is not only unjust to the Council, but disrespectful to His Majesty, to endeavour to excite suspicions in the royal breast which they themselves know to be unfounded.

In connexion with this complaint is the intimation of dissatisfaction, because the bishop has a seat in the Council. To this complaint the reply is easy. The bishop of the Established Church is *ex officio* a member of the Council by the appointment of His Majesty, because that church, with its Liturgy, and rites and ceremonies, was introduced into this colony at its first settlement by the royal instructions, and was afterwards established by law, in the first session of the first General Assembly convened here. The bishop is its natural and most proper representative. Its interests often require explanation and protection in the legislature, and such have uniformly been furnished when necessary, to the satisfaction of the Council, and, as they confidently assert, without injury or just cause of dissatisfaction to any other denomination of Christians.

It is true that two family connexions comprise five members of the Council. Two of them, however, are unconnected with the other three, and the journals of the Council will show that those who are so connected differ in opinion from each other quite as often as any other members.

In respect to the complaint that five members were copartners of one banking establishment, it may be observed that one of them was a member of the Council before that copartnership was formed; another was a merchant, extensively concerned in business, who was shortly after called to the Board to fill a vacancy, at a time when there was only one other commercial member of the Council. When His Majesty's Government at home were induced to think it injudicious to continue to appoint judges of the Supreme Court to be councillors (an opinion which has certainly produced serious inconveniences in Nova Scotia and New Brunswick), it was thought necessary to select some other person of legal acquirements, and a retired barrister was preferred to any gentleman of the law engaged in practice. After the restrictions upon Roman-catholics having seats in the legislature were removed at home, it was considered right to call a gentleman professing that religion to the Council in this province, and an influential member of that profession was accord-

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ingly selected. When His Majesty's Government had signified their pleasure that no addition should be made to the number of persons holding official situations at the Board, a gentleman was selected from the mercantile part of the community, who was then at the head of the Chamber of Commerce, and therefore deemed a very proper member to call to the Council.

These gentlemen, it is true, were at one time all members of one banking establishment, but no reference was made to that circumstance at the time of their respective appointments. They were chosen because they were all men of property and standing in the country, and two of them have for some time withdrawn from that copartnership. For the accuracy of this statement a reference is respectfully requested to a despatch from Sir P. Maitland to Lord Goderich, dated 6th June 1831, relative to these appointments.

To the statement that the failure of the efforts of the Assembly to fix a standard of value and establish a legal currency, has been attributed to the presence of so many bankers in the Council, it may be briefly replied that those measures failed on account of their own intrinsic defects.

The Bill sent up by the House of Assembly, would have given a marketable and nominal value to coins, far above their intrinsic value. This was opposed by the whole Council as impolitic and unjust. In that opposition the bankers joined, although any increased nominal value given to coins would have been beneficial to them.

His Majesty's Council do not feel called upon to make any observations upon the claim of the House of Assembly to the King's casual and territorial revenue. Whenever it shall be His Majesty's pleasure to make or to listen to any offer respecting it, to or from the Assembly of Nova Scotia, the Council will then, and not till then, feel themselves justified in entering upon that topic.

They cannot, however, pass over this branch of the address, without adverting to the complaint it contains against the present mode of disposing of the Crown lands in this province. If the existing system is found to be objectionable, His Majesty's Council are not chargeable with introducing it. They beg leave to refer to the annexed copy of a report of a committee of the Council to show how strenuously they opposed it when it was first suggested by His Majesty's Government at home.

It is next asserted that the presence of the chief justice at the Council Board has a tendency to lessen the respect which the people ought to feel for the courts over which he presides.

The Council cannot agree in this opinion. On the contrary, they think that its tendency is directly the reverse. Nor if he were removed from that situation, do the Council see who could be selected with equal advantage to the public to preside over their deliberations. If it is essential for a member of the legal profession to hold that situation, and the Council think it is, none can be supposed more free from objection than a person who is at the head of the judicial establishment of the country, and who is every day in the habit of investigating and expounding the existing laws.

The chief justices of this province have been presidents of the Council since its formation. The present chief justice has for upwards of 20 years combined the offices of judge and councillor, and no instance has been adduced, even in the debates upon this address, of his ever having allowed political feeling to bias his judicial decisions. The usage is in strict analogy with that of the House of Lords and of all the legislative councils in America; and so far is it from being the case that all judges ought to be excluded from the legislature, that at this very time the chief justices of the superior courts in England have seats in the House of Lords.

It is next said that the appointment of the collector of the customs and the collector of the excise to the Council Board is unwise.

Upon this the Council would observe, that the office of collector of the customs in every colony is one of very great importance and responsibility. Upon him devolves the duty of enforcing those laws which are made for the regulation of the general trade and commerce of the empire, and which frequently come in conflict with local interests in the colony. His Majesty's Council are of opinion, that it will be injudicious to take any step which will tend to diminish the influence and importance of the person who holds this office. It is the interest of the Government to uphold such an officer, who cannot be expected to act with becoming independence where his duty brings him into conflict with influential men in the colony, if his office is deemed to be a disqualification for a seat at the Council Board.

The knowledge of the laws relating to the trade of the empire, with which he must make himself familiarly acquainted, renders him a most valuable member in the discussion of all fiscal questions, and the Council have no hesitation in stating their opinion, that his exclusion would be most unwise.

As it respects the collector of excise, there are not the same forcible reasons for his having a seat at the Board solely on account of his office. But the Council respectfully submit to the consideration of His Majesty's Government, whether it would be just to exclude from the Board a gentleman of his respectability, both in public and private life, merely because he is, in the language of the day, an office holder.

It may suit the views of those who are desirous of assimilating our institutions with those of our republican neighbours, to join in the opposition to the appointment of office holders to seats in the Council; but these feelings and principles are not congenial with those which should predominate in the bosoms of all who love and revere the British monarchy. On this side of the Atlantic the representative branch is so thoroughly
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embued with the democratic principle, that unless the Crown retains some influence in the upper branch of the legislature, it will be impossible to counteract the progress of republicanism.

This observation is not designed to cast any reflection upon the House of Assembly, but merely to state, that from its organization it does contain so great a portion of the democratic principle, that if a mixed form of government is to be retained, some principle supporting monarchical institutions must be sought in the other branch, from which, therefore, the higher officers of the government should not be systematically excluded.

The address next alludes to the difference which arose between the House of Assembly and the Council, in the year 1830. Many gentlemen who now sit at the Council Board were not then members of the legislature; but the proceedings of that session were vindicated at the time, and, as the Council believe, to the satisfaction of His Majesty's Government.

To the observations respecting the events of the present session, the Council reply that they did not require the House of Assembly to rescind their series of resolutions, but merely those expressions in one of them, respecting the members of His Majesty's Council, which a regard to decorum should have prevented from appearing upon their journals.

As it respects the Council deliberating with closed doors.

That practice has ever prevailed in this Province, and until lately in all the other colonies in British North America.

The Council of Nova Scotia would, probably, have followed the recent example of the Councils in some of the other Provinces before this time, had it not been for the improper interference of the House of Assembly.

The Council think that His Majesty will see with some surprise the extent of the claim made by the House of Assembly in the latter part of their address. The request to have an elective Legislative Council, and the desire to render the salary of every officer of the Government subject to an annual vote of that body, by which the House of Assembly will have it in their power to withhold support from those public functionaries, the performance of whose duties are essential to the maintenance and regulation of civil society, unless the other branches of the Legislature uniformly yield to their dictates, are demands so utterly inconsistent with the principles of the British Constitution, that the Council feel it would be improper for them to waste the time of His Majesty's Government by making any observations upon this part of the Address.

In answer to the alternative proposed by the House of Assembly, of separating the Executive from the Legislative Council, His Majesty's Council beg leave to refer to the opinion which they were formerly required to give upon that subject by the Right hon. Viscount Goderich, when Secretary of State for the Colonies.

A copy of that opinion, extracted from the proceedings of the Executive Council of the 7th May 1834, is hereunto annexed.

The sentiments of the Council upon that important subject are not only unchanged, but have been strongly confirmed by subsequent events in His Majesty's North American Colonies, where great pains have recently been taken by persons unfriendly to monarchical institutions to excite discontent. These innovators, however, are aware that if they were plainly to express their wishes, they would defeat their own plans, for the great body of the people are loyal subjects, and would indignantly reject any direct proposal that would lead them to swerve from their allegiance to their Sovereign. These designing men therefore endeavour to induce them to believe that they are deprived of the rights of Englishmen, that they have not equal political power with their fellow subjects at home, that the Councils are arbitrary bodies appointed by the Crown, and although called the upper branch of the legislature, have no resemblance to the House of Lords.

Now it is unquestionably true that the Councils have little, very little, resemblance to the House of Lords; and it cannot be doubted that every attempt to create a body in the colonies that shall resemble the House of Lords will prove a failure; the greatest of which, however, would be that of an Elective Council. Precluded then by our situation in the colonies from having among ourselves anything approaching to that august body, we should look to the general origin of colonial constitutions.

Most of them, and that of Nova Scotia among them, were founded upon the King's instructions, issued upon the responsibility of the Ministers of the day.

Those instructions in the first instance committed the government of the colony to the Governor, and a Council therein named; with directions, however, that whenever the population should become sufficiently numerous, a House of Assembly should be elected by the people to represent them, which House of Assembly, in conjunction with the Governor and Council, should then become the Legislature of the Province, and be authorised to pass laws for the regulation and government of its inhabitants. Under this constitution, every person residing in this Province has settled himself here; and unless some positive infringement of it has been made which affects his rights, he has no legitimate cause of complaint.

If, however, this constitution can now be improved, it would be as unwise to refuse to improve it, because those who seek such improvement may not have a positive legal right to it, as it would be imprudent to hazard a change in order apparently to improve its theory, without the prospect of any practical good.

It must here be repeated that these observations are not addressed to those who are desirous of vesting all power in the democratic branch,—they will think every measure that has a tendency to introduce republicanism to be a practical good,—but to those who are

desirous

NOVA SCOTIA. desirous of assimilating our institutions as much as possible to those of the British constitution, it is asserted that a Legislative Council created in addition to and distinct from the Executive Council, would bear no more resemblance to the House of Lords than the present Council does, and that it would only increase the machinery of the constitution, and render it more cumbrous, without producing any real benefit to the Province.

From the extent of the elective franchise, and the freedom which every elector possesses to exercise his own opinion in the choice of a representative, the people are as fully represented as they can be in any country where universal suffrage does not prevail. No measure can now pass of which their representatives disapprove, nor could any measure pass of which the Government disapproved, if there was a Legislative Council concurring with the House of Assembly in the adoption of such measure. For so long as we form a part of the British empire, the King's representative here must not shrink from putting a negative upon any act contrary to his instructions, or to the views he and his Executive Council entertain, upon any subject in which the local interests of the colony clash with the general interest of the empire.

But if a new body, neither elective, hereditary, nor executive, were created, it would bear no analogy either to the British or colonial constitutions.

The fluctuating state of colonial society, the universal division of the property of a deceased person among his children or relatives, and the general feelings and habits of the people, prevent the growth of aristocracy among us. We cannot therefore found any branch of the legislature here upon aristocratic principles; our laws must be enacted by those who represent the feelings and wishes of the great body of the people, and those who constitute the government of the country: and let the machinery of colonial legislation be rendered ever so complex, these after all will be the two, and the only two, principles that can be introduced into it.

The interposition of the Council between the Governor and the House of Assembly is judicious; they form a part of the community, and their families, their property, and their descendants will be affected by the laws they consent to enact, while their connexion with the Government will naturally render them desirous of upholding the King's authority.

Thus we have a Governor to represent the Crown, a House of Assembly fully representing the people, and a Council interested in supporting both.

Neither the result of the experiment made upon the Canadas in the year 1791, nor that more recently tried in New Brunswick, is such as to induce thinking persons among us to wish for its extension to Nova Scotia.

His Majesty's Council feel the embarrassment of thus advocating the continuance of their own body, with all its executive and legislative powers, and they therefore in conclusion, would observe, that the greater part of the members now composing it were selected from the community, and summoned to the Council Board without any solicitation on their part. A large majority of them are unconnected with the Government by any office; and although not insensible to the honour that was conferred upon them by their Sovereign when he called them to his Council, they are quite willing to retire into private life, whenever he shall deem it right to dispense with their services: but while they retain their seats, they are urged by a sense of duty to vindicate their own characters, to preserve the rights of the body to which they belong, and to give their opinions respectfully but explicitly to His Majesty's Government, upon a subject so deeply affecting the interest of all the King's subjects in his Province of Nova Scotia.

(signed) *Brenton Halliburton.*
John Nova Scotia.
T. N. Jeffery.
H. N. Binney.
Enos Collins.
S. B. Robie.

C. R. Prescott.
Samuel Cunard.
H. H. Cogswell.
P. M'Nab.
James Tobin.
Joseph Allison.

20 April 1837.

DOCUMENTS referred to in the preceding Observations of His Majesty's Council.

OBSERVATIONS of the Privy Council of *Nova Scotia* on the Address of the House of Assembly of that Province to His Majesty on the subject of the Free Ports and Foreign Trade.

Extract from the Minutes of the Proceedings of a Privy Council, held at the Council Chamber in Halifax, on the 16th May 1834.

THE Board resume the consideration of the Address of the House of Assembly on the subject of the free ports and foreign trade; and conceiving that it does not contain all the views which should be presented to His Majesty's Government, to enable them to form a correct opinion upon this important subject, request the President to transmit to His Majesty's Principal Secretary of State for the Colonies the following remarks upon the Address for such consideration as they may appear to merit.

That, from the nature of the trade and the amount and character of the population of this province, the productions of foreign countries cannot, with advantage to the best interests

rests of the colony, enter very largely into our market for domestic consumption. That the warehousing such articles to any very great extent, for exportation to other countries or colonies who possess similar privileges of foreign trade, cannot, in the regular course of commerce, be attended with much success. One of the advantages contemplated from the warehousing system in these northern colonies was an extensive carrying trade in the productions of the United States, for the supply of our West India possessions; but the existing scale of duties on those articles has not been found sufficiently favourable to such mode of importation to influence the carriage of any considerable portion of those supplies through the warehouses in the northern provinces. It is therefore at least problematical whether more than three free ports are required for beneficial purposes in this province. It is possible that a more advantageous arrangement of such ports might be made; but when the nature of the trade is considered, the number of ports cannot, we think, fairly be deemed insufficient. The Address deduces, as the very encouraging inferences to be drawn from the establishment of numerous warehousing ports in the province, that the revenue will be increased, its collection facilitated, and smuggling suppressed. Could these objects be attained, it would seem very desirable; the only question then remaining for adjustment would be the effect to be produced upon the agriculture and other branches of industry and commerce of the province. But the inferences intended to be drawn are not, in the opinion of His Majesty's Council, borne out by experience. Since the opening of the free ports of Sydney and Pictou, the aggregate of the public revenue in these ports has diminished, as will be seen by reference to the annexed comparative statement of the amount of duties received there during five years previous, and a like period subsequent to the opening of the ports. It may also fairly be inferred that the articles warehoused in these ports have diminished the quantity which would have been warehoused in Halifax, by which the imperial duties have been diminished, which would make the loss of the general revenue of the province much greater than appears by the comparative statement. It is admitted that the trade has increased; the conclusion is inevitable that the making a port free increases the facilities of smuggling, which can only be prevented by an expensive increase of the custom-house officers. In addition to the foreign trade carried on with the United States from Sydney, an illicit trade with St. Pierre and Miquelon in French commodities is carried on to a considerable extent; and foreign productions in many of the outports of the province can be procured at a much less rate than in Halifax, an evil which now extends to the diminution of the revenue in Halifax, by the clandestine introduction of such articles from the outports.

The object which His Majesty's Government had in view by the establishment of free warehousing ports appears to have been to permit a general intercourse in foreign and British ships between foreign countries and the capital or principal ports of the colonies; but it would be found impracticable to extend the privileges of free ports beyond this limit, in consequence of the heavy additional expense it would occasion for the support of the various subordinate officers of the customs, nor can it be perceived by His Majesty's Council that such extended foreign intercourse would be found either beneficial or necessary in this colony; indeed it must be evident that such trade would prove injurious to our navigation, by giving to foreigners a great portion of the carrying trade now enjoyed solely by colonial vessels. But if His Majesty's Government shall see fit to grant the limited privileges of warehousing ports, now possessed by several of the outports in the colonies, to an additional number of those ports in this province, where the imports of flour and other articles are required for the consumption of the inhabitants, such regulation would, in the opinion of His Majesty's Council, prove more conducive to the general interests of the province, than by opening the ports generally, as sought for in the Address. His Majesty's Council also beg to remark, that in one county, where there is now an officer of the customs and a collector of excise, the whole colonial duties collected for several years past has not paid the expense of the officers; and, from its local situation, little better success can be anticipated from increasing the facilities of trade, by opening ports there. The same remark, to a less extent perhaps, may apply to many other parts of the province, which so abounds with rivers, creeks, and landing places, that an expense amounting to one half of the revenue, would be insufficient to secure its faithful collection. His Majesty's Council have, with much regret, but with a sense of imperative duty, stated the foregoing views, as they are extremely anxious that all the benefits of a fair and free commerce should be indiscriminately extended to all parts of the province, so far as the same can be done consistently with an efficient control of the revenue, due protection to the fair trader, and the safeguard of the people from the demoralizing effects of illicit traffic. It should also be borne in mind that most of the articles imported from the United States for consumption operate injuriously upon the interests of the agriculturists and artisans of this province, or upon the importation of the manufactures of the United Kingdom.

Having presented this view which they entertain upon the subject of the Address, His Majesty's Council indulge the hope that before His Majesty's Government shall determine upon granting the prayer of the petition *in extenso*, commissioners may be appointed to take evidence upon all the points connected with the trade of the province, which His Majesty's Government may deem necessary to enable it to come to a just conclusion in what mode the commerce of this colony can be regulated, to promote the best interests of all the inhabitants.

In respect to that part of the Address which relates to the arrangement and expense of the custom-house establishment, His Majesty's Council do not conceive it necessary to make any remark until the other parts of the Address have been decided upon by His Majesty's Government.

NOVA SCOTIA. COMPARATIVE STATEMENT of Duties received at *Pictou* and *Sydney, Cape Breton*, from 1824 to 1828, and from 1829 to 1833 inclusive, Five Years previous and Five Years subsequent to opening them as Free Warehousing Ports.

				King's.			Provincial.			TOTAL.		
				£.	s.	d.	£.	s.	d.	£.	s.	d.
Pictou, 1824 to 1828	-	-	-	1,462	14	2	7,252	3	4	8,714	17	6
Sydney, 1824 to 1828	-	-	-	885	1	6	5,964	6	1	6,849	7	7
										15,564	5	1
Pictou, 1829 to 1833 -	-	-	-	2,238	14	11	4,139	11	2	6,378	6	1
Sydney, 1829 to 1833	-	-	-	2,093	-	2	5,034	19	10	7,128	-	-
Pictou, previous	£.8,714	17	6							13,506	6	1
— subsequent	6,378	6	1							15,564	5	1
Loss	£.2,336	11	5				Loss	£.		2,057	19	-
Sydney, previous	£.6,849	7	7									
— subsequent	7,128	-	-									
Gain	£. 278	12	5									

REPORT of a Committee of the Privy Council of *Nova Scotia*, relative to the proposed Alterations in the Mode of Granting Lands in this Province.

Extract from the Minutes of the Proceedings of a Privy Council, held at the Government House, in Halifax, on the 28th July 1826.

THE Committee of His Majesty's Council, to whom the regulations which have been adopted in Upper Canada for granting lands were referred, report,—

That they have carefully perused these regulations, and they submit the following considerations upon the subject to his Excellency and His Majesty's Council.

1st. The situation of Upper Canada differs widely from that of Nova Scotia. The former is an extensive colony, containing an immense body of valuable land, remote from the sea, and agriculture must ever form the primary pursuit of its inhabitants.

Nova Scotia is comparatively a small colony, surrounded by the sea, abounding in harbours and inlets from the ocean; and although it contains a great quantity of very valuable land, the wealthiest part of its population is, and ever will be, commercial.

In Upper Canada, therefore, it may be expected, that as its inhabitants acquire wealth they will be disposed to invest it in the purchase of lands, either from the government or private individuals; but in Nova Scotia capital may be more profitably employed in commerce, and few persons will be met with who will be disposed to invest it in the purchase of wild lands.

In confirmation of this opinion, the Committee refer his Excellency and the Council to the well-known fact, that the large grants which were injudiciously made some years since, of the most valuable lands in the province, to the different individuals who had influence with the government of the day, still remain in the hands of the grantees or their representatives; and although procured for the express purpose of selling them, a very small portion of them have as yet been disposed of, and even that portion at prices which have not realized the expectations of the grantees.

2d. In Upper Canada, we are informed, that regular surveys have been made of the lands in general, and that large reserves have been made for the Crown in situations which render the reserved lands valuable. In Nova Scotia no such system was adopted. When His Majesty's Government first attempted the settlement of this province, it was considered a cold, inhospitable, barren country (only calculated for the abode of fishermen), but few would undertake to settle in it, and those who did were encouraged to do so by extensive grants in whatever situations or form they deemed most eligible; the consequence of which has been that not only the most valuable land in the province has been already granted, but what remains to the Crown lies in remote situations, where none but the poor who are unable to purchase will submit to live.

The Committee think they may safely assert, that there has not been a single instance for 20 years past, in which any person possessing capital has planted himself in the wilderness,

ness, and devoted that capital to the cultivation of wild land; during that period a vast body of the wilderness has been reclaimed, but these improvements have been chiefly effected by the efforts of emigrants, who were compelled by their poverty to submit to the toil of subduing the forest, and partly by the poorer part of the native population. Some of the grantees of the large tracts have expended money in clearing a part of their land, but in no case have they received a return to encourage them to proceed.

Under these circumstances, the Committee conceive that no price could be procured for the wild lands which now remain to the Crown in Nova Scotia, sufficient to pay the expense of the survey of them, which must be made prior to the valuation contemplated in the first article of the Upper Canada Regulations; in confirmation of this opinion the Committee refer his Excellency and His Majesty's Council to the Order made by his late Majesty, of the 3d February 1774, for the sale of the wilderness lands in Nova Scotia. At that time a large portion of the best land in the Province belonged to the Crown, and convenient plantation lots were laid off in the most eligible situations, and advertised for sale at public auction; but although these lots were set up at 6*d.* per acre, and due notice given of four months as by the said Order directed, there were no bidders for them. The expense of the survey, preparatory to the sale, was defrayed by His Majesty's Government; and the system of granting lands in the usual manner was resumed, which your Committee think would be the case if the experiment should be again tried in this Province.

The Committee have no doubt but that these regulations may be very beneficial in such colonies as Upper Canada, New South Wales, and countries where the Crown still retains a great quantity of valuable land; but they venture to suggest the propriety of continuing in this Province the system which has been hitherto pursued, of granting lands gratuitously with the usual reservations, as the interests of the Crown in the wild lands in Nova Scotia is so much diminished, that the Government would derive little benefit from the change.

The system which now prevails might undoubtedly be improved, and the knowledge which the local government possess may enable them to remedy some inconveniences which now exist; but an entire change of that system might create confusion and discontent, without producing any corresponding benefit. The Committee, therefore, report as their opinion, that the proposed regulations are inapplicable to the present state of Nova Scotia; and that the very trifling pecuniary advantage which might probably be gained by its adoption, would not compensate for the dissatisfaction which it would excite among that description of persons who are almost exclusively the applicants for grants of land.

It is not easy for those who reside in Europe to form a correct opinion of the difficulty of subduing the wilderness, and reducing it to a state of cultivation. The wild lands which adjoin populous settlements may indeed be cultivated to advantage by those who already possess farms which yield them a subsistence, but no land so situated now belongs to the Crown in Nova Scotia. The ungranted lands lie in very remote situations, and the man who plunges into the woods almost invariably struggles with hardships to which nothing but poverty would compel him to submit. It has hitherto been the object of Government to afford every encouragement to this hardy class of useful settlers, to whose efforts we are indebted for the improvements of the country. They cannot purchase; and if wild land is not granted to them upon the easy terms on which they have hitherto procured it, they will be both unwilling and unable to continue their labours.

Committee Room, Halifax,
11 February 1826.

(signed) *Charles Morris.*
Brenton Halliburton.
S. B. Robie.

REPORT of a Committee of the Privy Council of *Nova Scotia*, on Viscount *Goderich's* Despatch, dated 8th December 1832, relative to a Separation of the Legislative Council from the Executive Council.

Extract from the Minutes of the Proceedings of a Privy Council, held at the Government House, in Halifax, on the 7th day of May 1834.

THE President laid before the Board a despatch from the Right honourable Viscount *Goderich*, dated Downing-street, the 8th December 1832, requiring the opinion of the Council upon the expediency of establishing in *Nova Scotia* two separate Councils, Executive and Legislative, composed for the most part of different individuals.

After giving their best consideration to this important communication, the Council would gladly have declined offering any opinion upon a subject which appears to be nearly connected with themselves and their office; but as this Board, from its establishment in the year 1749 to the present day, have not been accustomed to shrink from any duty committed to them by His Majesty or his Government, because it was difficult or unpleasant, they will proceed at once to give with frankness the result of the best judgment they have been able to exercise upon this question, which they have felt to be one of some delicacy.

If the theory of the constitution were alone regarded, the example in the parent country would prompt them to say, such a separation of the Executive from the Legislative Council as is proposed would be desirable; but it is manifest that the difference in the condition of

NOVA SCOTIA.

the two countries is so great, that no parallel can be preserved; and looking at the subject practically, they perceive at once very serious objections to the proposal.

The intention of the Government is, without doubt, to nominate to the Legislative Council sensible and well-educated men, possessing large landed property, separated from office, and having influence in the different counties in which they reside; upon a supposition that such men would be likely to concur with the most respectable majorities of the House of Assembly, in all questions which affect the great interests of the country, and so preserve harmony in the legislature. But unhappily such men are not to be found in the several counties of Nova Scotia; and even if they could be found, there is much reason for believing they would not be more ready than the members of the present Council to concur with the House of Assembly in such objects as have sometimes been differently entertained in the two Houses. If the personal allusion may be excused, it may be remarked, that the discernment of Sir James Kempt, when Lieutenant-governor of Nova Scotia, and anxiously looking for such persons as have been described, placed two members of the present Board in the Council, because he was satisfied they answered the description as completely as any individuals that could be found in the colony. But it is well known, and the minutes of the Council supply the information, that these individuals, wholly unconnected with office, whose independence in every respect has never been questioned, have been uniformly opposed to the views of the House of Assembly, on each of those few occasions when a difference of opinion in the two branches of the legislature has given dissatisfaction to the Lower House, and excited their complaints. It is only on account of the difficulty, or rather the impossibility of finding more persons in the different sections of the Province, with all the qualifications which these possess, that the number of the present Council has not been increased. In selecting individuals, therefore, to fill a more extensive Legislative Council, a different description of persons must of necessity be taken; and the most eligible that could be found would be so many of the best members of the House of Assembly as would be required, or of the fittest candidates for seats there, whose services would be more important and more valuable in that House, which could ill spare them, than in the other, and whose appointment to the Council would therefore be an injury to the House of Assembly and to the Province.

The Government, it is believed, look forward to an increase of strength and influence in the Legislative Council, as the natural result of the proposed alteration. But those in Nova Scotia who desire the change, are loud in their complaint that the Council are already too powerful. The Government therefore must be disappointed in their expectation, or the dissatisfaction of those in the colony who desire the change must be increased as soon as the change is effected, and either of these consequences is very undesirable.

But perhaps a more serious objection will be found in the effect that has been produced in those colonies into which the measure has already been introduced. The present state of the Canadas supplies such objection in full force. The measures of their Legislative Councils for some years past have given rise to more complaint and invective than were ever known under the more ancient constitution of the colonial Councils. These complaints indeed have been so multiplied, that an Elective Council, which would inevitably lead to a republican constitution, is boldly insisted upon by the complainants, as the only effectual remedy for their alleged grievances.

In New Brunswick the experiment has been recently made, and instead of affording general satisfaction, has created unusual discontent in that peaceable province, which will not be easily allayed unless by a return to the ancient system.

The records in the Colonial-office will show whether Nova Scotia, under its present constitution, has been more or less quiet and contented and easily governed, than those colonies into which a different constitution has been introduced, while the testimony of its governors and the journals of its Council will show what part that body, as at present constituted, has had in promoting the welfare of the people. The Board will be excused from saying more on this point, but earnestly request the reference and the comparison may be made by His Majesty's Secretary of State.

If it should be alleged as a reason for making the proposed alteration, that some desire for it has been expressed, it may be observed that change of any and of every kind will never be without advocates, while discontented and self-interested men form a part of every community. There has been no evidence that the measure is generally desired in the colony; and if some or even many wish for it, it is not probable that all these will be satisfied if the change should be accomplished. There will be 10 expectants for every appointment that will follow; nine-tenths of these, therefore, must be disappointed, and thus discontent will be increased. The subject has indeed been under discussion in the House of Assembly, where the first mention of it has led some of its advocates, and even His Majesty's Solicitor-general among others, to express a desire for an Elective Council; with total disregard or forgetfulness of the obvious fact, that the balance of the constitution would at once be destroyed, when no intermediate body would be left between the representative of the Crown and the representatives of the people. But it is believed that the subject has never yet created much interest in that House, although several of its members have been named as expectants of seats in the Executive and Legislative Councils.

All these considerations lead to the conclusion that the suggested alteration should not be hastily made, even if the acts of the Council, or the character and conduct of the individuals who compose it, were obnoxious to objection. Whether they are so obnoxious may be easily ascertained by the Secretary of State, upon reference to the discerning individuals

viduals now in England who have been governors of the colony, but have ceased to be connected with it; and these distinguished persons, when giving their testimony to the character and usefulness of the Council as now constituted, can easily state whether the Board, although ready and anxious at all times to promote the objects of the Government when they could conscientiously promote them, have ever flinched from offering their honest advice, when they have been so unfortunate as to differ in opinion from the representative of their Sovereign.

A due regard to all the circumstances which have now been mentioned, and to many others which need not be enumerated, has satisfied the Council that it must be desirable to retain in this province its ancient constitution, which hitherto has neither been inconvenient nor unsuccessful. It may easily be altered at a future day when the colony shall be more ripe for such a change, if the new constitutions which have been introduced into the adjoining colonies should, notwithstanding the inconvenience which now attends them, ultimately prove to be superior in practical effect to those for which they have been substituted; but the Council are impressed with a conviction that at present the proposed change is unnecessary, and would prove not only useless but injurious; and they feel confident that this explicit declaration of their opinion will at least be received as evidence of the honesty with which their advice is given, whether called for by His Majesty's Government, or His Majesty's representative in this province.

If more than has already been stated were wanting to strengthen the opinion which the Council have now expressed, a full confirmation of it would be supplied by the very extraordinary measures which have recently been adopted in the House of Assembly in Lower Canada, where indulgent compliance with unreasonable claims has created a habit of yielding on one side, and a habit of complaining and demanding on the other, until ultimate objects are now avowed, which fill every loyal subject with regret and alarm, and the discontented have boldly declared, with revolutionary violence, that one of the most favoured and happy colonies of the most indulgent Monarch in the world must be converted into a republic.

Having now performed the duty which has been laid upon them, the members of the Council have only to add, with every feeling of respect, that if His Majesty's Government should not be satisfied with the view they have taken, and with the reasons they have adduced in support of that view, the same feelings which have always influenced this Board will prevail. Nothing can be more foreign from their wish than to be impediments in the way of any measure which His Majesty or His Government may deem essential to the welfare of the colony; and, therefore, as it has been their uniform and only desire in their present station to be instrumental, according to their ability, in promoting the honour of His Majesty and the benefit of the province, they are ready to retire from that station whenever it may be thought their retirement will conduce more effectually than their continuance to those important objects.

— No. 15. —

(No. 88.)

EXTRACT of a DESPATCH from Lord *Glenelg* to Major-General Sir *Colin Campbell*, G.C.B., dated Downing-street, 6 July 1837.

No. 15.

I HAVE the honour to acknowledge the receipt of your despatch, dated 1st May 1837, No. 71, with the addresses to his late Majesty and to yourself. which it encloses.

The Assembly having deliberately expressed their opinion that the welfare of the Province would be promoted by creating two councils instead of one, Her Majesty defers to their judgment on that question, not indeed without some distrust of the soundness of the conclusion, but convinced that it is a topic on which the greatest weight is due to the advice of the representatives of the people. The Queen can give no pledge that the Executive Council will always comprise some members of the Assembly, but commands me to state that the circumstance of any candidate for that honour possessing that share of public confidence which his election as a member of the Assembly indicates, must of course be considered as enhancing his claims to be preferred to those who, in other respects, may not possess higher qualifications for this trust. The principle on which councillors should be selected is explained in my despatch of the 30th April. You will, with the least possible delay, transmit to me a list of the names of such gentlemen as may appear to you best qualified to compose the Legislative and the Executive Councils of Nova Scotia.

Her Majesty has observed with regret, the discussions in which the Council and Assembly have recently become involved. That regret, however, is materially qualified by the observation that their differences do not relate to any vital and cardinal principles, but are such as may be entertained by those who

NOVA SCOTIA. are yet prepared to co-operate in the pursuit of the one common object, the public welfare.

I shall best testify my respect for those branches of the Legislature by declining to enter on these controverted questions, persuaded as I am that the means of reconciliation will be more readily discovered without the intervention of any third party; and that this happy result cannot long be deferred in a case like the present, where both parties are animated by a lively zeal for the public good, and both are directed by wisdom and experience in the prosecution of that purpose. You will communicate to both branches of the Legislature this despatch, and my despatch of the 30th April, as containing the answer which Her Majesty is pleased to return to their address.

— No. 16. —

No. 16.

(No. 93.)

EXTRACT of a DESPATCH from Lieut.-Governor Sir *Colin Campbell*, G. C. B. to Lord *Glenelg*; dated Government House, Halifax, 26 August 1837.

I HAVE had the honour to receive your Lordship's despatch, No. 88, of the 6th July, in which your Lordship, after signifying Her Majesty's acquiescence in the instructions conveyed in your despatch of the 30th April, for my guidance on the questions embraced in certain resolutions of the House of Assembly which I had transmitted to you, and replying to some of the demands of the House of Assembly that had been since preferred in a more specific shape in their recent address to the Throne, directs me to communicate both these despatches to the Council and Assembly, as containing the answer which Her Majesty has been pleased to return to that address.

The separation of the Council into two chambers having been determined upon, in compliance with the expressed opinion of the House that that measure would promote the welfare of the Province, it has become my duty to submit, for your Lordship's approbation, the paper which I have the honour to enclose, being a list of the persons who appear to me to be the best qualified to compose the Executive and Legislative Councils.

In preparing the lists of councillors, I have borne in mind your Lordship's instructions, and have made the best selections I can.

I consider that the Executive Council should consist of seven or nine, and the Legislative Council of seventeen members; but I would not recommend that the number in either should be limited in the Royal Instruction, though no addition thereto should on any account be made without the previous sanction of the Secretary of State. I think also it should be provided, in the case of the nomination of a member of Assembly to the Executive Council, that his seat at the Board should become vacant on the dissolution of the House, or on his ceasing to be a member of it.

Concluding it to be your Lordship's intention that all the members of the present Council should belong to one or the other of the new chambers, (for otherwise much discontent would be created,) I have framed the lists accordingly; though some of the present Council would probably be disposed to retire into private life, if allowed to retain their present rank in society; and I would recommend that it be left optional with them to do so, with that privilege.

At first, a majority of the legislative councillors will be resident in Halifax, though connected with the country by property or birth: but as vacancies occur, opportunities will offer of supplying them from the rural districts, which will then, I trust, be better able than they are at present to afford suitable persons for the office.

I have not failed to advert to the exception taken in your Lordship's despatch against the presence of more than one member of the same commercial house in the Council. Of the three members of the Halifax bank, who are now councillors, one, Mr. Cogswell, is named as an executive councillor; and though the other two, Mr. Collins and Mr. Tobin, are both included in the Legislative Council, I cannot anticipate that any disadvantage or dissatisfaction will arise from the circumstance, and I am unwilling to omit either; the latter because
he

he is a Roman-catholic, and the only gentleman of that persuasion qualified, as far as I can learn, for the office; and the former, because he being many years Mr. Tobin's senior at the Board, might feel hurt were a preference given to a junior councillor. One of them, however, will probably retire spontaneously; but to be excluded would inevitably occasion mortification.

In my despatch of 5th June, I strongly recommended that the chief justice should remain as president of the Legislative Council; though I would hardly have done so had I then adverted to a passage in your Lordship's despatch of the 30th April, where, referring to his continuance in the Legislative Council, your Lordship states that this is a question "on which His Majesty desires to act in conformity with the deliberate opinion of the people at large, and with the benefit of the advice of their representatives;" for, if the chief justice were named in the new instruction as president of the Council, he would shortly be subjected to the pain of a removal, it being certain that the communication of your Lordship's despatch to the Assembly would be immediately followed by a declaration of their opinion, which in fact has been already pronounced, that the chief justice ought to take no part in the legislative proceedings of the Province.

Whom to recommend in his place, I know not. Mr. Robie, who for many years was speaker of the Assembly, would be the best substitute; but he, I apprehend, would not accept the office. The same objection which applies to the chief justice is, I suppose, equally applicable to the master of the rolls; and the attorney-general, who otherwise might be selected for the distinction, is the speaker of the Lower House; but he might, perhaps, be willing to resign his seat in the Assembly if promoted to the president's chair in the Council.

— No. 17. —

No. 17.

(No. 101.)

EXTRACT of a DESPATCH from Lord *Glenelg* to Major-General Sir *Colin Campbell*, G.C.B., dated Downing-street, 31 October 1837.

I PROCEED to the real subject of your despatch (26 August 1837, No. 93), namely, the composition of the Legislative and Executive Councils.

Your suggestions have been formed avowedly on the conclusion that it was my intention that all the members of the present Council should belong to one or other of the new Chambers. Anxious as I am to avoid whatever may tend to unnecessary offence or discontent in any quarter, I cannot satisfy myself that it would be right in the present instance to act on the rule to which you presumed that I should adhere. I feel it to be a duty, in the composition of the two Councils, to make that selection of individuals which I have reason to believe would be least open to just exception, and which would afford the most satisfactory proof of the desire of Her Majesty to entrust the duties attached to members of the respective Councils to gentlemen entitled to the confidence of the great body of the inhabitants. In omitting, however, from the new lists any gentlemen who are members of the present Council, I wish it to be distinctly understood that nothing can be further from my intention than to inflict on them any pain, or subject them to any reproach or discredit. To avoid any such suspicion, Her Majesty has been graciously pleased, in accordance with your suggestion, to intimate Her desire that they should retain their present rank in society on retiring into private life. With the very imperfect personal knowledge which I have of the qualifications of different candidates for seats in the Council, I could not venture to submit any final advice to Her Majesty on that subject without the support of your authority. It is at the same time extremely desirable that the separation of the existing Council into two bodies should take place without further delay, and under these circumstances I feel that the safest course which I can adopt is to convey to you Her Majesty's authority at once to appoint provisionally to each of the Councils those gentlemen whom you consider best qualified for the discharge of the respective duties which will devolve on them.

You will of course inform me without delay of the selection which you make in pursuance of this instruction, and of the grounds on which it has proceeded; and in case you should find it unnecessary provisionally to appoint the full number of which the Councils are intended ultimately to consist, you will at

NOVA SCOTIA. the same time transmit to me the names of other gentlemen from whom the vacancies may be supplied. With respect to the Executive Council, you will carefully adhere to the following principles :

1. That not more than one-fourth be public officers.
2. That the members be drawn from different professions and different parts of the Province, and
3. That they be selected, not only without reference to distinctions of religious opinions, but in such a manner as to afford no plausible ground for the suspicion that the choice was influenced by that consideration.

With reference to the presidency in the Legislative Council, Her Majesty is pleased to confide that duty to the senior member for the time being, with the exception of the bishop and the members holding offices of emolument under the Crown. This arrangement is recommended by the experience of other British colonies.

You will communicate to both branches of the Provincial Legislature a copy of this despatch, as explanatory of the principles by which The Queen has been guided in the measures actually adopted by Her Majesty.

No. 18.

(No. 103.)

— No. 18. —

EXTRACT of a DESPATCH from Lieutenant-Governor Sir *Colin Campbell*, G. C. B. to Lord *Glenelg*, dated Government House, Halifax, 16 December 1837.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 31st October, No. 101, relating to the reconstruction of the Councils of this Province.

I have also been honoured by your Lordship's despatch, marked "separate," of the same date, explanatory of the reasons by which Her Majesty's Government have been precluded from adopting the lists submitted by me for the Executive and Legislative Councils, but which could not properly be included in a despatch which is hereafter to be laid before the Provincial Legislature.

I have communicated the former despatch to the Council, and as the instructions conveyed in it require me to take immediate steps for establishing two separate Councils, and it being thus incumbent on me to discontinue consulting with the old Council, as a body, I took the occasion which their meeting for the last time collectively afforded to express my thanks for the ready and valuable assistance which I have at all times derived from them, in the administration of the affairs of this Province. They have since presented an Address to me, of which, and of my reply, copies are inclosed. I have felt it but justice to the highly respectable and influential gentlemen who formed this Council, to bear my testimony to their zealous and discreet endeavours to uphold the Royal authority, and to advance the interests of all classes of people in this province; and I earnestly trust that though, as a body, this Council no longer exists, it will be permitted to me and to the public to have the benefit of the continuance of the services of most of its members (four having retired, or being excluded,) in one or other of the new Councils.

Many of the gentlemen whom, under the authority of Her Majesty, I propose to summon as Executive or Legislative Councillors, residing at a distance from Halifax, and there not having been time since the receipt of your Lordship's despatch to ascertain whether or not they will consent to act, I am not prepared to report to your Lordship, by the present mail, the selections I have made; but the arrangement for the provisional establishment of the new Councils will be complete before the meeting of the Legislature on the 25th of January, and will be such, I trust, as to show that I have strictly adhered to your Lordship's instructions, and as to obtain the approbation of the inhabitants generally, and the confirmation of Her Majesty.

Enclosure in No. 18.

NOVA SCOTIA.

Encl. in No. 18.

To His Excellency Major-General Sir *Colin Campbell*, K. C. B. Lieutenant-Governor and Commander-in-Chief in and over the Province of *Nova Scotia* and its Dependencies, &c. &c. &c.

WE, the President and Members of Her Majesty's late Council in Nova Scotia, cannot terminate our official connexion with your Excellency without offering you our best thanks for the kindness and urbanity with which all your intercourse with us has been characterized; and we beg leave to assure your Excellency that we part from you with feelings of gratitude, respect, and deep regret.

In reviewing our legislative conduct, and also the advice which we have from time to time been called upon to give to your Excellency, and to your predecessors, we have the satisfaction to feel that we have been actuated by a sincere desire to advance the best interests of the people, to uphold the Royal authority, and to consult the comfort and the dignity of the representative of the Sovereign. We retire with an earnest hope that those who may be appointed to perform the several duties which have heretofore devolved upon us, may be more successful than it may be presumed we have been in accomplishing these desirable objects.

With ardent wishes that health and happiness may attend your Excellency, Lady Campbell, and your family, and that whenever you retire into private life you may carry with you the thanks and approbation of our Sovereign,

We have, &c.
(signed) *Brenton Halliburton*,
Chief Justice,

And the whole of the Council.

To the President and Members of Her Majesty's late Council in *Nova Scotia*.

Gentlemen,

I CANNOT adequately express the regret I feel at being deprived of your valuable services as members of Her Majesty's late Council in this province; and I assure you that I shall ever entertain the liveliest gratitude for the kind and friendly advice which I have invariably received from you individually and collectively since I arrived in Nova Scotia.

Although our official connexion has terminated for the present, I am persuaded that you will continue to be actuated by the same desire which you have ever evinced to uphold the Royal authority and the laws, and to promote the prosperity and welfare of your native land, in which you all possess so great a stake.

I return you my sincerest and warmest acknowledgments for the kind wishes which you have expressed towards Lady Campbell, myself, and family, and it will be a source of pride and gratification to me when I retire into private life, if, by meriting the continuance of your good opinion, I should be so fortunate as to carry with me the approbation of my sovereign.

Government-House,
Halifax, 15th December 1837:

— No. 19. —

No. 19.

(No. 116.)

COPY of a DESPATCH from Lord *Glenelg* to Major-General Sir
Colin Campbell, G. C. B.

Sir,

Downing-street, 4 January 1838.

I HAVE received your despatch of the 16th December 1837, No. 103, enclosing the address presented to you by the late Council of Nova Scotia, at the eve of their dissolution, and the answer which you returned to that address. It affords Her Majesty's Government much gratification to receive the high and well-merited testimony borne by the Council to your public character and services. Her Majesty's confidential advisers desire to be understood as adopting the expressions of respect and gratitude towards the members of the late Council with which your official connexion with them was terminated.

I have, &c.
(signed) *Glenelg*.

NOVA SCOTIA.

No. 20.

— No. 20. —

(No. 104.)

COPY of a DESPATCH from Lieutenant-Governor Sir *Colin Campbell*, G. C. B.
to Lord *Glenelg*.

Government House, Halifax,
18 December 1837.

My Lord,

HAVING consulted the law officers of the Crown as to the best mode of carrying into effect Her Majesty's commands, as conveyed in your Lordship's despatch of the 31st October, for the establishment of two distinct Councils in Nova Scotia, I do myself the honour to inclose a copy of a letter from them, in which it is recommended that I should issue two commissions under the Great Seal of the province, appointing, provisionally, to the Executive and Legislative Councils respectively such persons as I shall deem proper; and, supposing it to be your Lordship's intention to adopt, in the present case, some form similar to that resorted to on the like occasion in New Brunswick, they strongly advise that the letters patent, or other documents requisite for formally recognizing and effecting the separation of the Council, which your Lordship may propose to transmit, may be forwarded with the least possible delay; as many Acts to continue the revenue, and other important laws, which will expire on the 30th March, will before that time require the concurrence of the Legislative Council; and as the Executive Council may also at an early period be called to fulfil functions of importance to the public and individuals.

I trust, therefore, that I shall receive by the February packet the letters patent, or any other document that your Lordship may deem necessary for the more formal establishment of the new Councils, which in the meanwhile will be constituted, provisionally, under the Great Seal of the province.

The additional instruction to the Governor-in-Chief, or the warrants of mandamus confirming the appointments of the gentlemen nominated by me to these Councils, may be subsequently forwarded, when your Lordship shall have had time to consider the selections I have made. The letters patent sent to New Brunswick merely establish two distinct Councils, allotting to each its respective functions, but not naming any individuals to office.

Observing, however, in that document that the quorum of the Executive Council is fixed, I would beg leave to suggest that, as I propose, with your Lordship's approbation, that this Council in Nova Scotia shall consist of 12 members, and as four of these, owing to their distant residences, will seldom be able to attend, five members be deemed a quorum here.

I have, &c.

(signed) *C. Campbell*.

Encl. in No. 20.

Enclosure in No. 20.

Sir,

Halifax, 18 December 1837.

IN doing ourselves the honour to comply with the desire of His Excellency, which you communicated to us to-day, we cannot suggest any course which, under the circumstances of the case, appears to us better adapted to carry into effect Her Majesty's instructions as conveyed to his Excellency by his Lordship the Principal Secretary of State for the Colonies, than the issuing by his Excellency of two Commissions under the Great Seal of the Province, for appointing provisionally to the Executive and Legislative Councils respectively such persons as his Excellency may deem proper.

Supposing that it may be the intention of his Lordship the Principal Secretary to adopt on the present occasion some form similar to that pursued in New Brunswick, we take the liberty of intimating our opinion that it may be very desirable for his Excellency to receive as early as may be convenient the letters patent, or other documents requisite for formally recognizing and effecting the separation of the two Boards of Council in this province, which it may be his Lordship's intention to transmit, as many important laws expire on the 30th March, which, with other Acts of the Assembly, before that time will require the concurrence of the Legislative Council; and the Executive Council also may at an early period

period be called to fulfil functions of importance to the public and individuals; and we perceive that the letters patent by which the separation of the Boards was effected in New Brunswick, were framed without reference to individual members to office.

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We have, &c.

(signed) *S. G. W. Archibald,*
Attorney-General.

J. W. Johnston,
Solicitor-General.

— No. 21. —

(No. 128.)

COPY of a DESPATCH from Lord *Glenelg* to Major-General Sir
Colin Campbell, G.C.B.

No. 21.

Sir,

Downing-street, 8 February 1838.

I HAVE had the honour to receive your despatch of the 18th December, No. 104, reporting the steps which you had taken for effecting the separation of the Executive and Legislative Councils of Nova Scotia, and suggesting that the letters patent for this purpose should be sent out as early as possible.

Under ordinary circumstances I should have advised Her Majesty to direct the immediate issue of letters patent, establishing the Councils of Nova Scotia; but as the Earl of Durham has been appointed Governor-general of the British Provinces in North America, it has appeared to me most advisable to insert in the commission under the Great Seal, issued to him as Governor of Nova Scotia, the necessary provisions for that purpose, and thus to save to the public the expense which would have been incurred by the issue of letters patent. The commission of the Earl of Durham is nearly completed, and will probably pass through the remaining official forms in the course of a few days.

I have, &c.

(signed) *Glenelg.*

— No. 22. —

(No. 129.)

COPY of a DESPATCH from Lord *Glenelg* to Major-General Sir
Colin Campbell, G.C.B.

No. 22.

Sir,

Downing-street, 10 February 1838.

WITH reference to my despatch of the 8th instant, No. 128, I transmit to you herewith the letters patent under the Great Seal, appointing the Earl of Durham to be Captain-general and Governor-in-chief of the Province of Nova Scotia, together with instructions under the Royal Sign Manual for his guidance in that office; I also enclose a warrant, appointing you to be Lieutenant-governor of Nova Scotia in the absence of Lord Durham from that Province.

As the commission of the Earl of Durham contains the necessary provisions for the separation of the Executive and Legislative Councils of Nova Scotia, I avail myself of the earliest opportunity of transmitting it. I trust it will reach you before the commencement of the Session of the Provincial Legislature.

I have, &c.

(signed) *Glenelg.*

No. 1.

No. 2.

34 CORRESPONDENCE RESPECTING THE GOVERNMENT OF

NOVA SCOTIA.

Enclosure 1, in No. 22.

Encl. 1, in No. 22.

EXTRACT of a COMMISSION under the Great Seal appointing the Earl of *Durham* Captain-General and Governor-in-Chief of the Province of *Nova Scotia*.

AND whereas We have deemed it expedient that there should henceforward be two distinct Councils in Our said province of Nova Scotia for the purposes hereinafter mentioned, We do therefore by these presents grant, provide, and declare that there shall henceforward be within Our said province of Nova Scotia two distinct and separate Councils, to be respectively called the Legislative Council and the Executive Council of Our said province.

And We do hereby further direct and declare Our pleasure to be, that all and every the powers and authorities heretofore vested in or exercised by the Council of Our said province, so far as respects the enactment of any laws to be made within Our said province, shall henceforth be and the same are hereby vested in the said Legislative Council, and that all other powers and authorities whatsoever vested in or exercised by the Council of Our said province shall be and the same are hereby vested in the said Executive Council.

And We do hereby appoint and declare that the said Executive Council and the said Legislative Council respectively shall hereafter consist of such and so many members as shall from time to time for that purpose be nominated and appointed by Us, under Our sign manual and signet, or as shall be provisionally appointed by you, the said John George Earl of Durham, until Our pleasure therein shall be known: provided nevertheless, and We do hereby declare Our will and pleasure to be, that the total number of the members for the time being of Our said Executive Council resident within Our said province shall not at any time, by any such provisional appointments, be raised to a greater number in the whole than nine, and that the total number of members of the said Legislative Council resident within Our said province shall not at any time, by any such provisional appointments, be raised to a greater number in the whole than fifteen.

And We do further direct and appoint that five members of Our said Executive Council shall be a quorum for the dispatch of the business thereof, and that eight members of Our said Legislative Council shall be a quorum for the despatch of the business thereof.

And We do further direct and appoint that the members of the said respective Councils shall hold their places therein during Our pleasure, and not otherwise; and that the senior members respectively for the time being of each of the said respective Councils shall preside at all the deliberations thereof respectively, save only when you, the said John George Earl of Durham, shall be present and presiding at the deliberations of the said Executive Council; the seniority of the members of the said Councils respectively between themselves being determined by such rules and regulations as are for that purpose provided by such instructions as are hereinafter mentioned.

Dated at Westminster, 6th February 1838.

Enclosure 2, in No. 22.

Encl. 2, in No. 22.

EXTRACT of GENERAL INSTRUCTIONS, under the Royal Sign Manual and Signet, dated at Buckingham Palace, the 10th of February 1838, accompanying the Commission under the Great Seal appointing the Earl of *Durham* Captain-General and Governor-in-Chief of the Province of *Nova Scotia*.

SECOND, and whereas We have, by Our said commission appointing you Our Captain-general and Governor-in-chief as aforesaid, declared Our pleasure to be that there shall be within Our said province of Nova Scotia two distinct and separate Councils, to be respectively called the Legislative Council and the Executive Council of Our said province, with certain powers and authorities therein-mentioned, and have further declared Our pleasure to be that the said Executive Council and Legislative Council respectively should hereafter consist of such and so many members as shall for that purpose be nominated and appointed by Us under Our royal sign manual and signet, or as shall be provisionally appointed by you, the said John George Earl of Durham, until Our pleasure therein shall be known: provided always, that the total number of the members for the time being of such Executive Council resident within Our said province shall not at any time, by any such provisional appointment by you be raised to a greater number in the whole than nine, and that the total number of the members of such Legislative Council resident within Our said province shall not, at any time, by any such provisional appointment, by you, be raised to a greater number in the whole than fifteen:

Now We do hereby authorize and empower you, the said John George Earl of Durham, to nominate and appoint provisionally such persons as you shall think fit to be members of Our said Executive and Legislative Councils respectively, who shall hold their said appointments provisionally until Our further pleasure shall be known: Provided, nevertheless, and We do hereby require you forthwith to transmit to Us, through one of Our Principal Secretaries of State, the names and qualifications of the several members so provisionally appointed by you to be members of Our said Executive and Legislative Councils respectively, to the intent that the said appointments may be either confirmed or disallowed by Us as We shall see occasion."

(No. 4.)

COPY of a DESPATCH from Lieutenant-Governor Sir *Colin Campbell*, G. C. B.
to Lord *Glenelg*.

No. 23.

Government House, Halifax,
17 January 1838.

My Lord,

I HAVE the honour to transmit to your Lordship copies of the letters patent which yesterday passed the Great Seal, constituting provisionally the Executive and Legislative Councils in Nova Scotia. In the selection of the several members, I have endeavoured to attend, as strictly as circumstances have permitted, to your Lordship's instructions, though some deviation from them, which I trust your Lordship will deem unimportant, has been found expedient or necessary.

In the lists which I have also the honour to enclose, I have adverted, according to your Lordship's desire, to the difference of religious opinion amongst the various gentlemen whom I have called to these Councils respectively; and though in the Executive, consisting of 12 members, seven belong to the Established Church; and in the Legislative, consisting of 19 members, 10 are Churchmen, while 11 only belong to the many other religious communions existing in the Province, I assure your Lordship that my choice has in no degree been influenced by any undue favour to the Church of England; I have made the best selections which, having reference to the instructions sent for my guidance, I have found practicable, and with a very sincere desire to carry into effect your Lordship's intentions, and to show no partiality whatever to any particular religious creed or political opinions.

It was not my intention that the majority of the Executive Council should consist of Churchmen; and I would have named to it more Dissenters had I not ascertained that the two whom I considered as decidedly the most eligible, belonged to two separate banks, of which each had already a partner in the Council. Nor did I at first intend to call more than one, or at most two members from the Assembly; but your Lordship having pointed it out as a principle to be adhered to in the composition of this Council that the members are to be taken from different parts of the Province, I have been compelled to draw more largely from the Assembly than I purposed; as no gentleman living in the country, and not belonging to that body, would ever be able to attend the meetings of the Executive Council; and it will be but seldom indeed, that is, only while the Assembly are in session, that I shall ever even have the advice and assistance of the country gentlemen whom I have taken from that branch of the Legislature.

I have named 19 gentlemen to the Legislative Council, and would propose that its numbers should be limited to 21. Eight of its present members reside in Halifax, and the remainder are taken from the country, one having been selected from each county, except Queen's County, Shelburne, Yarmouth, Richmond, and Inverness. In the three first counties, the gentlemen who were offered seats declined to serve; and in the two last I have not been able to hear of any persons eligible.

In regard to the presidency of this Council, I apprehend that much difficulty and inconvenience may arise if it be assigned to the senior member holding no office of emolument under the Crown. In the present instance, this important office has fallen on one whose long experience as Speaker of the Assembly, and extensive legal knowledge, admirably adapt him for it; but the necessary qualifications may not always be found in the senior member; and I would therefore, recommend that the Crown should reserve to itself the right of nomination. And with respect to the Executive Council, I would beg leave to repeat the suggestions offered in my despatches of the 26th August and 16th December last; viz., first, that the seat of any member of the Assembly who may be appointed to this body shall become vacant on the dissolution of the Assembly, or on his ceasing to be a member of the House; and secondly, that the quorum should be reduced to five, for the reasons already explained.

I cannot conclude this despatch without expressing my great regret that Mr. Collins is excluded from the Council; he is the wealthiest and one of the most respectable men in the Province.

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He was formerly extensively engaged as a merchant, but has of late years devoted himself entirely, except that he holds a share in a private bank, to agriculture and the embellishment of his country residence in the neighbourhood of Halifax, where he lays out more money, and employs more labourers constantly than any 10 other gentlemen in the Province do in their private pursuits. Sixteen years ago he was about to remove with his large capital from the Province for ever, but was induced to remain by the offer then made to him by Sir James Kempt of a seat in the Council, and he is now deeply mortified by his exclusion.

I trust, therefore, that your Lordship will be pleased to appoint him to one or other of the Councils. The number of the Executive Council is now complete, but one of the gentlemen is named to it on an understanding that he is to give place if Mr. Collins's introduction into it should be approved.

I have, &c.

(signed) *C. Campbell.*Enclosures in
No. 23.

Enclosures in No. 23.

(No. 1.)

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, and of the United Church of England and Ireland on Earth the Supreme Head.

To Our trusty and well-beloved Thomas N. Jeffery, Simon B. Robie, Samuel Cunard, Henry H. Cogswell, Joseph Allison, Esquires, Sir Rupert D. George, Bart., James W. Johnston, James Boyle Uniacke, Edmund M. Dodd, Herbert Huntington, Thomas Andrew Strange De Wolf, and Michael Tobin, senior, esquires;—Greeting:

WHEREAS in Our Royal consideration having deemed it expedient that the executive and legislative powers which have heretofore been unitedly exercised by our Council in Our Province of Nova Scotia should be separated, and that there should be two distinct and several Councils in Our said Province for exercising separately the said functions, to be respectively called Her Majesty's or the Executive Council, and the Legislative Council of Our said Province; We did lately through Our trusty and well-beloved Charles Lord Glenelg, Our Principal Secretary of State for the Colonies, communicate such Our Royal will to Our trusty and well-beloved Sir Colin Campbell, Knight Commander of the Most Honourable Military Order of the Bath, Major-general of Our forces, and Lieutenant-governor in and over Our said Province, and did empower and instruct him Our said Lieutenant-governor forthwith to carry such Our purpose into effect, and for that object to nominate and appoint fit and proper persons to be members of Our said two Councils in the said Province provisionally until Our further pleasure should be known;

Now know ye, that We, reposing especial trust and confidence in the loyalty, integrity, and ability of you the said Thomas N. Jeffery, Simon B. Robie, Samuel Cunard, Henry H. Cogswell, Joseph Allison, Rupert D. George, James W. Johnston, James Boyle Uniacke, Edmund M. Dodd, Herbert Huntington, Thomas Andrew Strange De Wolf, and Michael Tobin, senior, have thought fit provisionally to nominate and appoint you the said Thomas N. Jeffery, Simon B. Robie, Samuel Cunard, Henry H. Cogswell, Joseph Allison, Rupert D. George, James W. Johnston, James Boyle Uniacke, Edmund M. Dodd, Herbert Huntington, Thomas Andrew Strange De Wolf, Michael Tobin, senior, to be members of Our Executive Council aforesaid for the Province of Nova Scotia until Our further pleasure shall be made known.

And We do declare Our will and pleasure to be, that all and every of the powers and authorities heretofore vested in Our Council of the said Province, except so far as respects the enactments of any laws to be made within Our said Province, shall henceforth be, and the same are hereby vested in Our said Executive Council, and you the said Thomas N. Jeffery, Simon B. Robie, Samuel Cunard, Henry H. Cogswell, Joseph Allison, Rupert D. George, James W. Johnston, James Boyle Uniacke, Edmund M. Dodd, Herbert Huntington, Thomas Andrew Strange de Wolf, and Michael Tobin, senior; and each of you are hereby empowered and required to execute the same in the like manner, and as fully in every respect as Our said Council heretofore of right has done or might have done.

And We do further declare Our will and pleasure, that any seven of Our said Executive Council shall be a quorum, and that in the absence of Our Governor or Lieutenant-governor of Our said Province, or of the officer administering the government thereof, the member of Our said Council whose name shall stand first in the list, shall preside in our Executive Council.

Given under the Great Seal of Our said Province of Nova Scotia; witness Our trusty and well-beloved his Excellency Major-general Sir Colin Campbell, K.C.B., Our Lieutenant-governor and Commander-in-chief in and over Our said Province, this 16th day of January, in the first year of Our reign, and in the year of our Lord 1838.

By his Excellency's Command.

(No. 2.)

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, and of the United Church of England and Ireland on Earth the Supreme Head.

To Our trusty and well-beloved the Right Reverend John Lord Bishop of Nova Scotia, and Simon B. Robie, Peter M'Nab, James Tobin, Joseph Allison, Norman Uniacke, James W. Johnston, William Lawson, George Smith, Alexander Stewart, William Rudolf, Lewis M. Wilkins, junior, James S. Morse, William Ouseley, Robert M. Cutler, Alexander Campbell, James Ratchford, Joseph Fitzrandolph, and William B. Almon, M.D., esquires;—Greeting :

WHEREAS in Our Royal consideration, having deemed it expedient that the executive and legislative powers which have heretofore been unitedly exercised by Our Council in Our Province of Nova Scotia should be separated, and that there should be two distinct and several Councils in Our said Province for exercising separately the said functions, to be respectively called Her Majesty's or the Executive Council, and the Legislative Council of our said Province; We did lately, through our trusty and well-beloved Charles Lord Glenelg, Our Principal Secretary of State for the Colonies, communicate such Our Royal will to Our trusty and well-beloved Sir Colin Campbell, Knight Commander of the Most Honourable Military Order of the Bath, Major-general of Our Forces, and Lieutenant-governor in and over Our said Province, and did empower and instruct him Our said Lieutenant-governor, forthwith to carry such Our purpose into effect, and for that purpose to nominate and appoint fit and proper persons to be members of Our said two Councils in the said Province, provisionally, until Our further pleasure shall be known ;

Now know ye, that We, reposing especial trust and confidence in the loyalty, integrity, and ability of you the said Right Reverend John Lord Bishop of Nova Scotia, Simon B. Robie, Peter M'Nab, James Tobin, Joseph Allison, Norman Uniacke, James W. Johnston, William Lawson, George Smith, Alexander Stewart, William Rudolf, Lewis M. Wilkins, junior, James S. Morse, William Ouseley, Robert M. Cutler, Alexander Campbell, James Ratchford, Joseph Fitzrandolph, and William B. Almon, have thought fit, provisionally, to nominate and appoint you the said Right Reverend John Lord Bishop of Nova Scotia, Simon B. Robie, Peter M'Nab, James Tobin, Joseph Allison, Norman Uniacke, James W. Johnston, William Lawson, George Smith, Alexander Stewart, William Rudolf, Lewis M. Wilkins, junior, James S. Morse, William Ouseley, Robert M. Cutler, Alexander Campbell, James Ratchford, Joseph Fitzrandolph, and William B. Almon, to be members of Our Legislative Council aforesaid, for the Province of Nova Scotia, until Our further pleasure shall be made known. And We do declare Our will and pleasure to be, that all and every of the powers and authorities heretofore vested in our Council of the said Province, so far as respects the enactments of any laws to be made within Our said Province, shall henceforth be and the same are hereby vested in Our said Legislative Council ; and you the said Right Reverend John Lord Bishop of Nova Scotia, Simon B. Robie, Peter M'Nab, James Tobin, Joseph Allison, Norman Uniacke, James W. Johnston, William Lawson, George Smith, Alexander Stewart, William Rudolf, Lewis M. Wilkins, junior, James S. Morse, William Ouseley, Robert M. Cutler, Alexander Campbell, James Ratchford, Joseph Fitzrandolph, and William B. Almon, and each of you, are hereby empowered and required to execute the same in the like manner, and as fully in every respect, as Our said Council heretofore of right has done or might have done.

And We do further declare Our will and pleasure, that any of Our said Legislative Council shall be a quorum ; and that the member of Our said Council whose name shall stand first in the list, with the exception of the Right Reverend the Lord Bishop of Nova Scotia, and the members holding offices of emolument under Us, shall preside in Our said Legislative Council.

Given under the Great Seal of Our said Province ; witness Our trusty and well-beloved His Excellency Major-General Sir Colin Campbell, K.C.B., Our Lieutenant-governor and Commander-in-chief in and over Our said Province, this 16th day of January, in the first year of Our Reign, and in the year of our Lord 1838.

By His Excellency's command.

— No. 24. —

No. 24.

(No. 137.)

COPY of a DESPATCH from Lord *Glenelg* to Major-General Sir
Colin Campbell, G.C.B.

Sir,

Downing-street, 7 March 1838.

30 April 1837,

No. 77.

6 July 1837,

No. 88.

31 October 1837,

No. 101.

I HAVE had the honour to receive your despatch of the 17th January, No. 4, reporting the steps which you had taken for constituting the Executive and Legislative Councils of Nova Scotia on the principles laid down in my despatches of the dates mentioned in the margin. Before the arrival of this despatch

NOVA SCOTIA. — despatch the Commission of the Earl of Durham, as Governor of Nova Scotia, and your Commission as Lieutenant-Governor, had been already dispatched.

I have to convey to you my approbation of your proceedings on this important subject, and I shall take the earliest opportunity of submitting to the consideration of Her Majesty in Council the names of the gentlemen whom you have selected for the respective Councils. In compliance with your recommendation, I shall also have much pleasure in submitting the name of Mr. Collins for appointment to the Executive Council; but as you have not pointed out the gentleman whose retirement to make way for Mr. Collins had been agreed upon, and as I am not aware of any reason for limiting the number of the Executive Council to 12 members, Mr. Collins will form an addition to the list which you have sent home.

You repeat your suggestion that the seat of any member of the Assembly who may be appointed to the Executive Council should be vacated by the dissolution of the Assembly. The principle involved in such a regulation, if applicable in Nova Scotia, would of course be equally applicable in all the other North American provinces; but Her Majesty's Government are not prepared at present to introduce any change of this nature into the system. The mission with which the Earl of Durham is charged, will include a review of the principles on which the Councils of the British North American Provinces are constituted, and will advert to this, among other points connected with the subject.

I have, &c.
(signed) *Glenelg.*

No. 25.

- No. 25. —

COPY of a DESPATCH from Lieutenant-Governor Sir *Colin Campbell*, K. C. B.
to Lord *Glenelg*.

My Lord,

Halifax, 5 February 1838.

I HAVE the honour to transmit your Lordship copies of the speech with which I opened the Legislature of this Province on the 25th ultimo, and the reply of the Legislative Council and House of Assembly thereto.

I have, &c.
(signed) *Colin Campbell.*

Enclosures in
No. 25.

Enclosure in No. 25.

Halifax, Nova Scotia, Legislative Council Chamber,
Thursday, 25 January 1838.

At two o'clock this day, His Excellency the Lieutenant-Governor proceeded in State to the Council Chamber, and being seated, the Gentleman Usher of the Black Rod was directed to command the attendance of the House of Assembly; the House attended accordingly, when His Excellency was pleased to deliver the following Speech:—

Honourable Gentlemen of the Legislative Council,

Mr. Speaker and Gentlemen of the House of Assembly,

My first duty, and a painful one I find it, is to condole with you on the loss which, since our last meeting, we have sustained, by the demise of his late most gracious Majesty William the Fourth, of blessed memory, whose paternal attachment to this Province, which he visited at an early period of his life, will be remembered by you with gratitude and respect.

The Throne of the British empire is now filled by his august niece Queen Victoria, the daughter of his late Royal Highness the Duke of Kent, who for many years resided amongst you, when Commander-in-chief in British America. Her Majesty's accession has been hailed, in every part of her extensive dominions, with the most enthusiastic loyalty: her youth and sex claim from her subjects their dutiful affection and support.

It

It is with deep regret I have to notice the late unfortunate events in the Canadas; but I have the satisfaction of informing you that the insurrection has been put down in Lower Canada, and that the traitorous attempt made to separate the Upper Province from British rule, has been signally defeated by the gallant conduct of its militia alone. It is true that a small and desperate band still retain possession of Navy Island; but there is every reason to believe, as measures have been adopted at the recommendation of the President of the United States for the enforcement of neutrality on the frontier, that these deluded men, deprived of all foreign assistance, will speedily be dispersed.

These rebellious proceedings have called forth in this Province expressions of indignation and abhorrence, and the addresses from various quarters which have been presented to me declare the unshaken attachment of the inhabitants of Nova Scotia to Her Majesty's person and government.

I have great pleasure in congratulating you upon the abundant harvest with which it has pleased Divine Providence to reward the labours of the husbandman, and which has diffused the blessing of plenty throughout the country.

Mr. Speaker and Gentlemen of the House of Assembly,

The provisional establishment of two distinct Councils, which has recently taken place, and the despatches which I am instructed to lay before you, afford ample evidence of the gracious attention that has been paid to the representations which you addressed to the Throne in the last Session.

I earnestly hope that this important alteration of the ancient constitution of the Province will be attended with all the advantages by which, when you advised the measure, you expected it would be accompanied.

I have directed the public accounts to be laid before you, and I trust you will find that the supplies granted to Her Majesty in the last Session have been faithfully expended. The usual estimates of the civil establishment for the present year will be submitted to you, and I have no doubt of your providing for the support of Her Majesty's Government, and for all other necessary services, with your usual liberality.

Honourable Gentlemen of the Legislative Council,

Mr. Speaker and Gentlemen of the House of Assembly,

I have great satisfaction in acquainting you, that the revenue last year has increased considerably; the receipts have been more than sufficient to meet all the demands on the treasury. I feel it my duty to recommend an economical application of our means, by keeping our expenditure within our income.

I most earnestly desire to draw your particular attention to the inefficient state of the militia; it is not at present what I wish to see it; there is all the good feeling and loyalty I could desire. As it is the constitutional defence and security of the Province, I am persuaded you will see the necessity of amending the law now in existence; and the zeal and discipline of 25,000 young and willing sons of your own families ought not to be neglected by Government and the Legislature.

It is the earnest desire and recommendation of Her Majesty's Government that you will enter upon the discharge of your public duties with that spirit of harmony in your proceedings for which the legislature of this Province has so long been conspicuous, and which has proved so conducive to the best interests of the country.

My anxious wish is to see peace, content, and prosperity prevail throughout the Province; and you may rely upon my cordial co-operation in any measure which can tend to secure and increase these blessings.

To his Excellency Major-General Sir *Colin Campbell*, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant-Governor and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia and its Dependencies, &c. &c. &c.

The Address of the Legislative Council.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Legislative Council of Nova Scotia, humbly beg leave to thank your Excellency for the Speech with which you have been pleased to open the present Session of the Provincial Parliament.

We participate with your Excellency in the painful feelings which the demise of his late most gracious Majesty King William the Fourth excited throughout his widely-extended dominions. The condescending regard which his Majesty often expressed towards this Province, as the scene where a portion of his early life had been spent, has rendered his memory dear to its inhabitants; while the important events of universal interest which have characterized his reign, will ever give to that portion of our history a conspicuous place in the annals of the empire.

NOVA SCOTIA.

We respond with the deepest emotion to the sentiments of devoted attachment and fealty to our august Sovereign Queen Victoria, which her accession to the Throne has called forth. It gives us pleasure to remember the warm interest which her late father ever evinced in the welfare of this Province, where he long resided, associates Her Majesty more readily with its inhabitants; and we feel with your Excellency that her age and sex draw around her the affections of her subjects with deeper interest.

The unhappy events in the Canadas have excited our deep regret; but we find great satisfaction in the assurance that the traitorous attempts of designing men have been suppressed. We rejoice that the gallant militia of Upper Canada met in so distinguished a manner the emergency which called their loyalty and courage into exercise; and indulge with pleasure the hope your Excellency affords us that the desperate band of wicked and misguided men on Navy Island, still found in opposition to the just authority of Her Majesty and the laws, being deprived, through the intervention of the Government of the United States, of foreign aid, may speedily be dispersed, and the miseries of violence and disorder be altogether stayed in our sister colonies.

We feel happy that the addresses from numerous parts of the province have conveyed to your Excellency declarations of unshaken loyalty to Her Majesty's person and Government. Uniting in our body members from various parts of the Province, we are enabled to assure your Excellency that such is the universal feeling of Nova Scotia; nor can we fail to use the present as a fit occasion to tender to Her Majesty, in unison with our fellow-subjects, our own expressions of similar sentiments.

In the congratulations expressed by your Excellency on the late bountiful harvest which has diffused prosperity through the land, and is the just cause of the liveliest gratitude and devotion to the Almighty Giver of all our blessings, we most cordially unite with your Excellency.

The increase of the revenue, and the faithful discharge of all demands upon the Treasury, are very gratifying. In the application of our augmented resources we shall not fail to be guided by your Excellency's recommendation for their economical expenditure.

Agreeing as we entirely do in the sentiments expressed by your Excellency regarding the state of our militia, we shall readily adopt any measures that may be devised for the improvement of its discipline and the increase of its efficiency.

No effort on our part shall be wanting to ensure harmony in the performance of our legislative labours, deeply convinced that, conducted in such a spirit alone, they will be beneficial to the Province; and your Excellency's administration of the government enables us to rely with perfect confidence upon your co-operation in every measure which may advance the interests and promote the peace, happiness, and prosperity of the people of Nova Scotia.

To his Excellency Major-General Sir *Colin Campbell*, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant-Governor and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia and its Dependencies, &c. &c. &c.

The humble Address of the House of Representatives in General Assembly.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Representatives of Her Majesty's loyal people of Nova Scotia, thank your Excellency for the speech with which you have been pleased to open the present session, and condole with your Excellency on the demise of our late gracious sovereign William the Fourth, whose blessed memory is endeared to the people of Nova Scotia by the paternal attachment he extended towards its inhabitants, among whom he spent part of his early life. The accession to the Throne of the British empire of his august niece, Queen Victoria, daughter of his Royal Highness the late Duke of Kent, has been hailed throughout her extensive dominions with rapturous and enthusiastic loyalty; and her youth and sex have no where a stronger claim to attachment than in this Province, where the memory of her illustrious father is gratefully cherished.

The regret we feel for the recent insurrection in the Canadas is mitigated by a knowledge that it has been suppressed in the Lower Province; and we feel proud that the constitutional force of the Upper Province has defeated the traitorous attempt to cast off British allegiance; and are gratified to learn that the government of the United States is determined to adhere to the pacific treaties subsisting between the two nations, and to preserve that neutrality which may leave the desperate band of conspirators encamped at Navy Island no alternative but submission to a just and indignant government.

The attachment of Nova Scotians to Her Majesty's person and Government has ever been unshaken, and recent events have only caused it to be more openly and frequently expressed.

We are pleased to hear from your Excellency that the blessings of Divine Providence have produced an abundant harvest, and that the labours of the husbandman throughout the country have been rewarded with plenty.

We

We are disposed to view the provisional establishment of two distinct Councils as evidence of the gracious attention which has been paid to the representations addressed by this Assembly to the Throne during the last session; and it shall not be our fault if this important alteration is not attended with all the advantages by which, when we advised the measure, we expected it would be accompanied.

We thank your Excellency for directing the public accounts to be submitted to us; and you may rely on our disposition to provide for the necessary support of Her Majesty's Government.

We are happy to learn that the revenue has considerably increased during the past year, and that the receipts have been more than sufficient to meet all the demands on the Treasury. The recommendation of an economical application of our means, we feel is founded on an enlightened view of the wants and resources of this young country, and your Excellency may be assured that it shall be our constant endeavour to keep the expenditure of the province within its income.

The Militia Law, to a revision of which your Excellency has called our attention, was framed upon the conviction that the old system, while it was burthensome to the country, was productive of no corresponding advantage, the time which was devoted to trainings being insufficient to communicate discipline or military skill. Should we find, however, anything in the present aspect of the times, or in the events which have occurred during the recess, to require the adoption of more efficient enactments, your Excellency may rely that, while we endeavour to husband our resources, we shall sufficiently evince our anxiety to secure the peace and strengthen the constitutional defences of the Province.

At a time when neighbouring colonies are only recovering from the effects of civil strife, it shall be our pride to respond to the earnest desire and recommendation of Her Majesty's Government by entering upon the discharge of our public duties with that spirit of harmony for which the Legislature of this Province has long been conspicuous, and which has proved so conducive to the best interests of the country.

We feel assured that it is your Excellency's anxious wish to see peace, content, and prosperity prevail throughout the Province, and will labour to co-operate with your Excellency in every measure which can tend to secure and increase those blessings.

NOVA SCOTIA.

NEW
BRUNSWICK.

NEW BRUNSWICK.

No. 1.

— No. 1. —

COPY of a DESPATCH from Viscount *Goderich* to Mr. President *Black*.

Sir,

Downing-street, 7 December 1830.

MY attention having been directed to the constitution of the Councils in the Provinces of Nova Scotia and New Brunswick, with the view of giving them a more independent character, by introducing a larger proportion of members not holding offices at the pleasure of the Crown; I have to request that you will report to me, in the event of its being considered desirable to increase the number of the Council in the Province of New Brunswick, how far it may be practicable to find a sufficient number of persons of respectability of this description, whose services may be employed advantageously as councillors.

I have also to acquaint you, that in future, it is proposed that the puisne judges of the Province should not be admitted to seats in the Council.

I have, &c.
(signed) *Goderich*.

No. 2.

— No. 2. —

COPY of a DESPATCH from Mr. President *Black* to Viscount *Goderich*.

My Lord,

Fredericton, New Brunswick,
1 March 1831.

I HAVE had the honour to receive your Lordship's despatch of the 7th Dec., acquainting me that your attention had been directed to the constitution of the Council of this Province, with the view of giving it a more independent character by introducing a larger proportion of members not holding office at the pleasure of the Crown, and requesting me to report to your Lordship, in the event of its being considered desirable to increase the number of the Council, how far it may be practicable to find a sufficiency of persons of respectability, whose services might be advantageously employed as councillors.

Should His Majesty's Government so determine, it is my humble opinion that, to a small extent, with due circumspection, such persons may be selected from different parts of the Province; but persons possessing qualifications highly to recommend them for such a situation are not numerous at present. It is my opinion, also, that any increase should be gradual, having some reference to the additions that may, from time to time, be made in the House of Representatives, and that, if it be the intention to remove the puisne judges from seats in the Council, the present number of members, if effective, would be amply sufficient.

In regard to the judges, as far as my own experience and judgment can decide, they have generally been eminently useful members at the Council Board; although on questions any way affecting themselves, it must be admitted that, sometimes, upon a thin attendance of members, they have had a majority against popular opinion.

I herewith transmit, for your Lordship's information, the list of Council on 1st January.

Last December we lost one member, S. D. Street, esq.; by next opportunity I shall take the liberty to recommend a person in my opinion qualified to succeed him, should his Excellency Sir Howard Douglas not have already proposed one to your Lordship.

I have, &c.
(signed) *William Black*.

— No. 3. —

(No. 5.)

No. 3.

COPY of a DESPATCH from Viscount *Goderich* to Mr. President *Black*.

Sir,

Downing-street, 25 April 1831.

I HAVE the honour to acknowledge the receipt of your despatch of the 1st March last, replying to my inquiries as to the state and composition of His Majesty's Council in the Province of New Brunswick. As it appears by your despatch that any increase in the number of the members at present could only be to a small extent, and two vacancies having recently occurred by the death of Mr. Street, and the removal of Captain Hurd to Upper Canada, I shall be prepared to receive your recommendation of two gentlemen unconnected with His Majesty's Government to complete the Council to the present number of thirteen, leaving any further addition to it as a subject for future consideration.

I have, &c.

(signed) *Goderich*.

— No. 4. —

(No. 52.)

No. 4.

COPY of a DESPATCH from Mr. President *Black* to Viscount *Goderich*.

My Lord,

Fredericton, New Brunswick,
25 August 1831.

I HAVE had the honour to receive your Lordship's despatch of the 25th April, acquainting me that the number of Council is to remain for the present at 13, and that your Lordship will be prepared to receive my recommendation of two gentlemen unconnected with His Majesty's Government to fill the vacancies recently occasioned by the death of Mr. Street, and the removal of Captain Hurd to Upper Canada. As your Lordship has condescended to receive my recommendation (which I had before avoided taking the liberty to make, lest interfering with the prerogative of the Lieutenant-governor, who was on the spot), upon due consideration of the consequence of such appointment, and the necessity that there should be always at or near Fredericton a sufficient number to form a quorum for the despatch of the ordinary business in Privy Council, I have the honour to submit for your Lordship's sanction the name of Peter Fraser, esq., a respectable and intelligent gentleman of substantial worth and character in this country, for a long time an active and influential member of the House of Assembly, and upwards of 30 years resident in Fredericton. The other gentleman I would propose to your Lordship is Charles Samuel Putnam, esq., barrister-at-law, grandson of the late Judge Putnam, a gentleman of the strictest honour and integrity, and in my judgment well qualified to prove an eminently useful and correct member of Council. But as your Lordship guards against persons connected with Government, it is my duty to state that Mr. Putnam at present holds the office of clerk of the Crown in the Supreme Court, but of very trifling emolument.

Should your Lordship, however, object to Mr. Putnam, if he retains the said clerkship, another nomination can be made to Sir Archibald Campbell, although no one, in my opinion, can be found who would more honourably acquit himself in that situation.

I have, &c.

(signed) *William Black*.

44 CORRESPONDENCE RESPECTING THE GOVERNMENT OF

NEW
BRUNSWICK.

No. 5.

— No. 5. —

(No. 10.)

COPY of a DESPATCH from Viscount *Goderich* to Lieutenant-governor
Sir *A. Campbell*, Bart. G. C. B.

Sir,

Downing-street, 29 October 1831.

I HAVE to acknowledge the receipt of Mr. President Black's despatch, No. 52, of the 25th August last, recommending two gentlemen to fill the vacancies recently occasioned in the Council of New Brunswick by the death of Mr. Street, and the removal of Captain Hurd to Upper Canada.

As I am in expectation of hearing from you on the subject of the tender made by the judges of their seats in the Council, it appears to me to be advisable, instead of selecting the persons recommended by Mr. Black, that the principle of extending the representation of different parts of the Province should, as far as practicable, be acted upon in filling up the vacancies in the Council. I am, therefore, desirous that James Allenshaw, Esq., of Charlotte County, should be selected for one of the vacancies, and I should have suggested for the other vacancy a gentleman chosen from Miramichi, if I had not been given to understand that Mr. Simonds, who is already in the Council, was formerly member in the House of Assembly for the county of Northumberland.

I am, therefore, to request that you will avail yourself of an early opportunity of submitting to me the names of such gentlemen, as you may consider likely, from their property and attainments, to fill that important situation with advantage to the Province.

I have, &c.
(signed) *Goderich*.

No. 6.

— No. 6. —

COPY of a DESPATCH from Viscount *Goderich* to Lieutenant-governor
Sir *A. Campbell*, Bart. G. C. B.

30 March 1832.

Sir,

Downing-street, 26 May 1831.

I HAVE the honour to transmit to you the copy of a letter which I have received from Mr. Botsford and Mr. Ward Chipman, two of the assistant judges in the Province of New Brunswick, tendering their resignation of the seats which they hold as members of His Majesty's Council in that Province.

I have thought it right to refer a communication of this nature to you, with a view to your reporting, after you shall have had the opportunity of making yourself acquainted with the subject, whether it would be prudent to accept the resignation of the two judges, having due regard to the real feeling of the thinking part of the community in the Province on this subject, and the means which may be found for supplying the places of the judges in the Council by individuals of sufficient weight and intelligence belonging to a different profession.

I transmit for your information a copy of the letter which I have directed my under-secretary to address to Mr. Botsford and Mr. Ward Chipman on this subject.

I have, &c.
(signed) *Goderich*.

Encl. 1, in No. 6.

Enclosure 1, in No. 6.

My Lord,

Fredericton, New Brunswick, 30 March 1831.

BEING assistant judges of this province, we beg leave to approach your Lordship on the subject of our holding seats in the Council.

There is, as your Lordship knows, but one Council in this province, both for executive and legislative purposes, and we had the honour each of us of being called to seats at this Board without any solicitation on our part.

The present state of Parliamentary opinion in England on the subject of judges being members of the colonial councils, and the manner in which the influence of that opinion is operating

operating in the colonies, have caused us much anxious reflection. In this province endeavours are making by men who aim at being leaders of popular opinion, to instil into the public mind, that we hold our places in the Council for purposes of private interest in the way of influence and patronage, and that we combine in our persons powers legislative, executive, and judicial, in a manner altogether unconstitutional.

We are not disposed to shrink from any duties which it has been the pleasure of our Sovereign to call upon us to discharge, but we cannot forget that our first duties are those of judges, and that it must be our care to maintain, without any disparagement, that consideration and respect in the eyes of the country which the judicial character demands, and which we can confidently state the judges in this province have hitherto possessed. In this view of the subject, we feel that we ought not, in the present state of this question, to continue in our places in the Council, unless it should be the pleasure of his Majesty's government, expressed under the circumstances which now exist, that we should do so; and even as it respects your Lordship, we feel that we ought to prevent any possible embarrassment which might arise from our being in actual possession of those places, and any possible suspicion which our remaining silent might excite, that we had any personal reluctance to quit them.

Without going into further detail, we will therefore rely upon your Lordship's goodness duly to appreciate the motives which induce us, after full deliberation, humbly to tender, as we do now do, our resignation of the seats which we respectively hold in his Majesty's Council in this province, at the same time dutifully submitting ourselves to whatever may be his Majesty's pleasure on this subject.

We have deferred making this communication until the present session of the General Assembly is on the point of closing, in order that no proceedings of ours might create any difficulty in carrying on the legislative business, and there will be ample time for making any arrangements which your Lordship may think proper before another meeting of the legislature.

To Viscount Goderich,
&c. &c. &c,

We have, &c.
(signed) *W Botsford.*
Ward Chipman.

Enclosure 2, in No. 6.

Encl. 2, in No. 6.

To the Hon. *William Botsford* and the Hon. *Ward Chipman*, Judges of the Supreme Court, *New Brunswick.*

Gentlemen,

Downing-street, 26 May 1831.

I AM directed by Viscount Goderich to acknowledge the receipt of your letter of the 30th March last, tendering the resignation of your seats as members of his Majesty's Council in New Brunswick. Lord Goderich has received this communication with much satisfaction, as it contains the strongest proof of your anxiety to give up all personal considerations, when the public interests may seem to require a sacrifice at your hands. His Lordship is alive to the propriety of the motives which have led you to tender your resignation as members of the Council, and he may, perhaps, find it expedient to avail himself of the offer thus voluntarily made. He wishes, however, previously to consult with those whose duty it will become to obtain an accurate insight into the real feelings of the province on all matters connected with its internal government; and especially is it important that he should learn from those in authority in the province what means may be available of supplying your places at the Council, should it be found expedient to relieve you from your present attendance at that Board.

Lord Goderich directs me to add, that until a further communication shall be made to you, his Lordship is desirous that you should continue, as hitherto, in the discharge of your duty, the more so, as the absence of the Lieutenant-governor causes a greater weight of responsibility to fall on the members of Council.

I have, &c.
(signed) *R. W. Hay.*

— No. 7. —

(No. 5.)

No. 7.

COPY of a DESPATCH from Lieutenant-governor Sir *A. Campbell*, Bart. G.C.B. to Viscount *Goderich.*

My Lord,

Fredericton, 19 October 1831.

YOUR Lordship's despatch of the 26th May, relative to the resignation of their seats in Council of Messrs. Botsford and Ward Chipman, has been under my serious consideration since my arrival here; and although I have as yet had but little time or opportunity for informing myself of the means the Province may possess of hereafter replacing these gentlemen efficiently at the Council Board,

579.

NEW
BRUNSWICK.

Board, I think it proper, in the meantime, to inform your Lordship, that I should much regret to be deprived of the services of two such able councillors until I have had the experience of at least 12 months to guide my judgment on a point of such importance to the government of the Province.

I shall not fail to bear in mind your Lordship's wishes and instructions on this subject, in bringing to your Lordship's notice the names of one or two candidates for the Council, whenever I am, from personal observation, enabled to make suitable selections for that high and most important office.

I have, &c.
(signed) *Archibald Campbell.*

No. 8.

(No. 2.)

— No. 8. —

COPY of a DESPATCH from Lieutenant-governor Sir *A. Campbell*, Bart. G.C.B. to Viscount *Goderich*.

My Lord,

Fredericton, New Brunswick,
16 January 1832.

IN consequence of the very long passage of the November packet, your Lordship's despatch (No. 10) of the 29th October last, did not reach me until yesterday.

In my despatch (No. 5) of 1831, I had the honour of submitting to your Lordship my reasons for wishing to defer for a time recommending any new candidates for His Majesty's Council, to replace Judges Botsford and Ward Chipman; and as two gentlemen had been recommended by Mr. Black to fill up the existing vacancies, I was led to consider that such delay would be productive rather of benefit than of inconvenience to the public service. But your Lordship's despatch, now under reply, renders it expedient that I should at once transmit a few names, which are, in my opinion, likely to be creditable and useful additions to the present list of councillors.

The subject is, however, one of too deep and vital import to the best interests of the Province, as well as to the due and most necessary maintenance of His Majesty's authority and prerogatives, to be dismissed without some observations, which my own short experience, aided by much careful investigation into the state of provincial politics and parties, have already forcibly impressed upon my mind; and I shall, therefore, with the utmost deference to your Lordship's judgment, submit my statements in that spirit of candour and sincerity which I am sure will best become me in the zealous and faithful discharge of the duties of my situation.

It cannot be doubted, my Lord, and it therefore ought not to be concealed, that there is a growing tendency in the House of Assembly of this Province, to acquire such an ascendancy in the administration of the government as would, if successful, infallibly destroy that proper balance between the Executive and Legislative branches, without which there is neither safety for the wisest and most beneficial institutions of the country, nor respect for the only solid principles upon which the gradual expansion of the resources of the land, and the permanent welfare of the people, can be promoted and insured. The inhabitants of New Brunswick are, in general, enthusiastically loyal, and warmly attached to the Government under which they live; but it is not less certain that there is growing up among their representatives a strong and influential party, deeply tinged with speculative opinions, which, if not restrained by the wisdom of a firm and independent Council, are calculated to irritate and work upon the public mind, and to lead to much and serious future mischief. I impute no bad or factious motives to the party here alluded to, but however honest their intentions, while I see that many of their favourite measures are of a nature to infringe upon the just and conservative influence of the Crown, I must be alive to the necessity of providing a sufficient and constitutional barrier against encroachments, which, independent of all colonial considerations, would bring with them a train of evils to the Province.

It

It is in this view of the subject that I attach the highest importance to the composition of His Majesty's Council, which should always be so constituted as to interpose efficiently between the representatives of the people and the authorities of the Crown, so as to form a wholesome check on innovations, and to overrule unwise legislation, without bringing the Executive into collision with the Lower House. It is for these reasons most desirable that all new members of the Council should be possessed, not only of sound principles, but of minds sufficiently enlightened and enlarged to perceive that the future prosperity of the Province mainly depends on the existence of such an intermediate body as will fearlessly do its duty on the broad principle of national utility, unswayed by any narrow considerations of mere local or party interest, and which by consistent loyalty and patriotism in all its acts will give a proper tone to the feelings of a young society, from situation peculiarly exposed to the corrupting influence of pernicious doctrines and opinions.

Men thus qualified for office from their property and attainments are, as your Lordship is aware, unfortunately not at present numerous in the Province. The two great classes of the community from which we must of necessity fill up the vacancies are lawyers and merchants, and I think it is but fair that a proportion of the latter class should be selected; but we must still, I conceive, be very careful, for reasons which your Lordship will readily imagine, not to give them too much weight and influence at the Council Board. I quite enter into the spirit of your Lordship's instructions, now conveyed to me, relative to the extension of the representation to different parts of the Province; and although I have not yet seen Mr. Allanshaw, I am inclined to think, from all I have heard of him, that he is a very proper person to receive one of the appointments.

Acting on the above principle, I would next bring to your Lordship's favourable notice the name of Joseph Cunard, esq., of Miramichi, one of the most wealthy and influential merchants in the Province, and who is in every respect, both as to education and sterling loyalty of character, very deserving of this mark of approbation from His Majesty's Government. Mr. Simonds, now in Council, although formerly member for Northumberland, and engaged for some time in mercantile pursuits in that country, is otherwise quite unconnected with it, he and nearly all his family now residing at St. John.

To replace the judges in the Council (should your Lordship deem it advisable to accept the tender made by them of their seats), I would beg to submit the names of John Simcoe Saunders and Herbert Cornewall, esqrs.; the former is the only son of the venerable the chief justice, whose whole life has been spent in devoted loyalty to his Sovereign. His son was educated to the bar in England, and is a gentleman of very considerable talents and attainments. Mr. Cornewall, Comptroller of His Majesty's Customs at St. John, is the son of the late Bishop of Worcester; he is a gentleman possessed of great information, and with the advantage of a most liberal education cannot fail to prove a very useful and efficient member of the Board.

I have already experienced some inconvenience from the want of a sufficient number of members at head-quarters to enable me, on an emergency, to form a council; and as the Bishop of Nova Scotia can only be considered as an honorary member, I should venture to suggest that an efficient one be appointed in his room, leaving his Lordship's name of course upon the list, with the privilege of taking his seat as often as he may visit this part of his diocese. For this purpose, I beg to be permitted to submit a fifth name to your Lordship, that of Major W. Robinson, of the British army, unattached; he is the son of the late respectable member of Council of that name, and a gentleman every way eligible for the situation; he is a native of the Province, and now settled near this place.

I annex a list of the present Council, with the places of residence of the different members, in order that your Lordship may be enabled to judge of the difficulty above adverted to.

I have, &c.

(signed) *Arch. Campbell,*
Lieutenant-governor.

NEW
BRUNSWICK.

Enclosure in No. 8.

Enclosure in
No. 8.

LIST of His Majesty's Council in the Province of New Brunswick, with the Places of
Residence of the different Members.

16 January 1832.

	Residence.
The Hon. John Saunders, president	Fredericton.
The Hon. Lord Bishop of Nova Scotia, visiting this part of the diocese only once in every three or four years	Halifax.
The Hon. Judge Bliss, residing about 10 miles from	Fredericton.
The Hon. William Black, at St. John, 90 miles from	Fredericton.
The Hon. George Shore	Fredericton.
The Hon. Thomas Baillie (absent in England)	Fredericton.
The Hon. Judge Botsford	Westmoreland.
The Hon. Judge Chipman	St. John.
The Hon. H. Peters	Gage Town, 36 miles from Fredericton.
The Hon. F. P. Robinson	Fredericton.
The Hon. Richard Simonds	St. John.

(signed) A. C.

No. 9.

— No. 9. —

(No. 36.)

COPY of a DESPATCH from Viscount *Goderich* to Lieutenant-governor Sir
A. Campbell, Bart. G.C.B.

Sir, Downing-street, 1 May 1832.

I HAVE the honour to acknowledge the receipt of your letters, No. 5, of 19th
October 1831, and No. 2, of the 16th January 1832.

In that of October 19th, 1831, you express an earnest desire not to be deprived
of the services of Judges Botsford and Chipman in the Council, until you may
have had the experience of at least twelve months to guide your judgment upon
a point of such importance to the government of the Province, and I collect
from your despatch, No. 2, of January 16th, 1832, that, after the lapse of four
months, you retain the same feeling upon that subject; under these circumstances
I do not wish to embarrass you by requiring that you should immediately accept
the tender which they have made of their seats in the Council, but referring to
what has passed of late years in some of the other North American Provinces
upon this subject, and knowing the rapidity with which opinions upon such
matters lay hold of the public mind in societies constituted as those Provinces
are, I am persuaded that you will feel the importance of bearing in mind the
great advantage which is to be found in anticipating instead of following a
powerful public impulse, particularly in cases when that impulse is directed
towards objects not in themselves unreasonable nor constitutionally incompatible
with the regular march of the King's Government; I readily admit that in the
earlier stages of colonial societies, such a body as the Council of New Brunswick,
could not easily be composed in a manner consistent with its obvious functions,
unless it comprised individuals who upon general grounds might not be precisely
those whom it might ultimately be advisable to select. The introduction, there-
fore, of the three puisne judges, as well as the chief justice, may fairly have
been deemed originally a matter of necessity; and it may be that the time is
scarcely yet arrived when the practice could conveniently be changed. I am
willing, therefore, to defer to your wishes and judgment, and to postpone for the
present the practical application of my former instructions, contenting myself,
upon this occasion, with pointing out to you the considerations which seem to
me to dictate the necessity of making in due time the proposed alteration.
It would scarcely be necessary to add that my object in proposing that the
judges, with the exception of the chief justice, should no longer have seats in
the Legislative Council, was my desire to add to the weight and influence
possessed by that body by giving to it a character of greater independence, were
it not that in consequence of the observations which you have made upon this
subject my attention has been attracted to the question of how far it may be
practicable to adopt further measures calculated to produce the same effect.

It has hitherto, as I understand, been the custom that the Executive and
Legislative Councils, though distinct bodies, should consist of the same members.

To

To this practice I think there are several objections, which incline me to believe that it might with advantage be departed from; the circumstance of the same gentlemen being members of both Councils has a tendency, I think, to prevent either from discharging with effect the duties which ought to devolve upon it.

The Executive Council should, I think, consist of a small number of gentlemen, including one or two influential members of each branch of the Legislature, with whom the Governor might confidentially consult upon the executive business of the government; the Legislative Council, on the other hand, should be more numerous, and should principally consist of gentlemen independent of, and unconnected with, the Executive Government, and selected from the principal inhabitants of the Province and those having the greatest stake in its welfare. At present it appears to me that the Council is too numerous to be usefully consulted by the Governor in the administration of affairs, whilst it is not sufficiently so, and has too close a connexion with the executive government, to enable it to possess the weight and authority which should belong to it as an independent branch of the legislature; nor is this the only objection to the present system, the rank of a councillor being naturally an object of ambition, those gentlemen who by their conduct in the Assembly are entitled to the countenance and favour of the Government, are, by the very act by which it is conferred upon them, withdrawn from the scene where they can be most useful. For these reasons it appears to me highly desirable that the number of the Legislative Council should be increased, and that its members should cease to be necessarily members of the Executive or Privy Council, while at the same time you should be authorized to summon to the latter one or two members of the present Council, and of the Assembly, and those of the chief officers of the Government whom you might think it right to include in it. I find, upon inquiry, that there appears to be no legal obstacle to your being empowered by an instrument under the Great Seal to carry into effect the proposed alteration, and that by the records of this office there would seem to be no law which would prevent a member of the Assembly of New Brunswick from retaining his seat in that house if called to give his advice to the Governor in the Executive. I wish you therefore immediately to take into your most serious consideration the suggestions which I have now thrown out, and to favour me with the result of your deliberation, in order that before the next meeting of the Provincial Parliament, I may determine whether such a change should be adopted. You will have the goodness at the same time to communicate to me your opinion as to the gentlemen who should be added to the present Council, or who should be members of the two distinct Boards, should it be your opinion that these should be constituted in the manner I have described. To the names which you have submitted to me, I have no objection to offer, except to that of Mr. Cornwall, whom I should be unwilling to add to the Council, not on account of any personal unfitness, but because I understand that he has merely an official connexion with the colony, and because the situation which he fills is one to which some unpopularity usually attaches, while it is also one which is of course felt by the inhabitants to retain its holder in a state of dependence upon the Government.

With respect to Mr. Cunard, that gentleman seems to possess every requisite qualification, and to be well calculated, from his character, his talents, and his stake in the country. to give satisfaction to the public, and weight to the body of which he would become a member; but at the same time, I think it is necessary to observe that if the proposed alteration in the constitution of the Council should take place, I think that it would be most desirable that he should retain his seat in the Assembly and become a member of the Executive Council.

With respect to the bishop's seat, I confess that I quite agree with you in thinking that it is attended with no practical utility, and may become ultimately an object of jealousy and animadversion; although, therefore, I am not prepared at present to give you any definitive instructions respecting it, I shall bear the subject in mind, with a view to some change, whenever I feel myself in possession of sufficient information to be able to take into consideration, with a view to some practical measure, the general condition of the Church of England in the province of New Brunswick: I am bound to add, that if a vacancy were to occur in the see of Nova Scotia, I should not recommend that the new bishop should be in the Council of either Province.

I have, &c.
(signed) *Goderich.*

NEW
BRUNSWICK.

No. 10.

— No. 10. —

(No. 41.)

COPY of a DESPATCH from Lieutenant-governor Sir *A. Campbell*, Bart. G.C.B.
to Viscount *Goderich*.

My Lord,

Fredericton, N.B., 20 July 1832.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 1st May last, No. 36. I have taken into my most serious consideration the various important subjects therein communicated, and shall respectfully offer a few brief observations resulting therefrom.

In the first place, I have the satisfaction to state that I have never, either directly or indirectly, had any remark or complaint made to me as to the judges having seats in Council. Perhaps this may have arisen more from the high feeling of respect entertained throughout the Province for the distinguished individuals at present holding those appointments, than from approbation of the system itself; this is so far satisfactory as to the past, and I beg to thank your Lordship for your kind indulgence in allowing me to have the benefit of their counsel and experience so long. Coinciding fully as I do in your Lordship's opinion, that great advantage is to be found in anticipating, instead of following, a powerful public opinion, which, as I have already observed, does not yet manifest itself in this Province, but might, at the instigation of a few demagogues, burst forth when least expected, however much I may regret the removal of the judges from the Council, I shall not urge one word more upon that subject.

Under circumstances different from those I am about to submit to your Lordship, the removal of the judges from the Council might be seriously felt, inasmuch as there would be no persons left competent to protect the judiciary system and other legal institutions of the Province from innovation, and from those fanciful changes which have been often suggested by members of the House of Assembly; but in the list of names I have to transmit for your Lordship's approval to the Council will be found those of two eminent lawyers, viz. Messrs. John Saunders and G. F. Street, natives of this province, but educated at the British bar; gentlemen, I feel confident, fully qualified both by principle and talent, to secure to that body all the legal advice it may require in the protection of the prerogatives of the Crown and the institutions of the country.

Although the constitutional practice of the legislature of this Province in its different branches has hitherto worked well, the change contemplated by your Lordship in the division of the Executive and Legislative Councils, must, and I make no doubt will, be received as a most satisfactory improvement. As your Lordship justly observes, the inconsistency of the same members forming the Privy and Legislative Councils as a body, is an anomaly that never ought to have existed, and the sooner that it is abolished the better.

In the adoption of this change I would most respectfully recommend, in the first instance (to save expense), that the Legislative Council should be kept at its present strength, or 12 effective members; an ample proportion, it may be presumed, to the existing members of the Lower House, viz. 28, including the Speaker. This branch must soon increase by the further division of counties; as settlement and population extend, so may the other in progressive ratio. Hitherto the proceedings of the Legislative Council have been carried on with closed doors; I beg to be favoured with your Lordship's commands relative to the future continuance of this custom.

The Executive Council I would propose to consist of five, with a provision that three should form a quorum; the members to be selected from persons residing at or in the immediate vicinity of the seat of government. The nominating of gentlemen to this Council from distant parts of the country would not only be attended with much inconvenience, expense, and loss of valuable time to the individuals themselves, but from the length of time that would necessarily elapse before they could be assembled, might be highly detrimental to the public service in the event of an emergent call for the meeting of that Council. The case is different in regard to the Legislative Council; they are, as a matter of course, in attendance during the session of the Assembly, generally

rally about 50 days in the year, and the only time, under the contemplated arrangement, that their services can be required.

I have most attentively weighed that part of your Lordship's despatch suggesting that some members of the Lower House should be called or nominated to the Executive Council; and I speak advisedly when I express my apprehension that such a measure would not answer. The very circumstance of their being councillors, and in the immediate confidence of the Executive, would not only create much jealousy among the other members of the House of Assembly, but would in all probability destroy all their influence in that house, and prevent them from being re-elected to it. Mr. Joseph Cunard is the only one in the list yet brought to your Lordship's notice; and I confess that I should regret to have to try the experiment in his case, the more particularly so, as I am assured, in the present order of things, that his brother will be his successor in the Assembly, from the county of Northumberland—a gentleman actuated by the same spirited and loyal principles.

Having now, to the best of my judgment, replied to the different suggestions stated in the despatch under consideration, I shall, in obedience to your Lordship's commands, submit for your approval the names of the gentlemen of whom I propose in the first instance to form the Executive and Legislative Councils.

I have, &c.
(signed) *Arch. Campbell.*

Enclosures in No. 10.

Encls. in No. 10.

(No. 1.)

For the Executive Council.

The Lieutenant-governor, President.
The Chief-justice.
Mr. Thomas Baillie, Commissioner of Crown Lands.
Mr. Frederic P. Robinson, Auditor.
Mr. William F. Odell, Secretary.
Mr. George F. Street, Advocate-general.

(signed) *Arch. Campbell.*

(No. 2.)

For the Legislative Council.

Already in the Council:

The Chief Justice, President.	Mr. Thomas Baillie.
The Bishop of Nova Scotia.	Mr. Harry Peters.
Mr. William Black.	Mr. Frederic P. Robinson.
Mr. George Shore.	Mr. Richard Simonds.

Already approved of:

Mr. Thomas Cunard.	Major William Robinson.
Mr. James Allanshaw.	Mr. John S. Saunders.

New recommendations:

Mr. George F. Street.	Mr. William Crane.
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— No. 11. —

(No. 43.)

No. 11.

COPY of a DESPATCH from Lieutenant-governor Sir A. Campbell, Bart. G.C.B.
to Viscount Goderich.

My Lord,

Fredericton, N.B., 24 July 1832.

WITH reference to my despatch of the 20th instant, No. 41, I find it necessary to offer a brief explanation of the motives by which I was guided in the selection of members for the Executive Council (List, No. 1), therein transmitted for approval.

579.

I could

NEW
BRUNSWICK.

I could not select persons, competent in my opinion to become councillors, residing at or in the immediate vicinity of the seat of government who are not already members of the Legislative Council; and I also feel desirous to have at least the experience of one session to enable me to judge how that body will work on the removal of the puisne judges (should that measure be at once determined on): if satisfactorily and well, then a more complete separation of Councils can safely take place.

I have, &c.
(signed) *Arch. Campbell.*

— No. 12. —

No. 12.

(No. 51.)

COPY of a DESPATCH from Lieutenant-governor Sir *A. Campbell*, Bart. G.C.B. to Viscount *Goderich*.

My Lord,

Fredericton, N. B., 29 August 1832.

WITH reference to my despatch of the 20th July 1832 (No. 41), I beg now to state that I have had a communication from Mr. Crane, of Westmorland, respectfully declining a seat in the Legislative Council, for which I recommended him, preferring to remain in his present situation as Speaker of the House of Assembly.

Should the arrangements already proposed be confirmed, I shall take an early opportunity of submitting the name of some other respectable person for the Council in room of Mr. Crane. Here I cannot help again expressing my hope that a small Executive Council, as proposed by your Lordship, will supersede the present system of referring confidential matters to so large a body as compose the Council as now constituted.

I have, &c.
(signed) *Arch. Campbell*,
Lieut.-governor.

— No. 13. —

No. 13.

(No. 56.)

COPY of a DESPATCH from Viscount *Goderich* to Lieutenant-governor Sir *A. Campbell*, Bart. G.C.B.

Sir

Downing-street, 25 September 1832.

I HAVE the honour to acknowledge the receipt of your despatch of the 20th July last, No. 41, in which you state your opinion that the change contemplated by me in the constitution of the Province of New Brunswick, by the separation of the Executive from the Legislative Councils, will be received as a satisfactory improvement, and that the anomaly of the same members forming the Privy and Legislative Councils as a body ought no longer to be continued.

You also inform me that you conceive that the judges may now retire from the Council without inconvenience to the public service; and although no complaint has hitherto been made on the subject of the judges having seats in Council, you conceive that this may probably be attributed more to the high feeling of respect which is entertained throughout the Province for the distinguished individuals at present holding those appointments, than from approbation of the system itself.

I concur entirely in the sentiments which you have expressed with regard to the able and impartial manner in which the judges have uniformly executed the important duties which have been required of them as executive and legislative councillors; but, at the same time, I cannot hesitate in advising His Majesty to accept their resignations after the decided opinion which has been expressed by Parliament on the subject in the case of the Canadian Provinces, and in the propriety of which I entirely concur. The chief justice will, therefore, in future be the only judge retaining a seat in the Executive and Legislative Councils. You will, however, communicate to the judges, that it is His Majesty's pleasure that they retain the rank and privileges of members of Council; and in opening the next Session of the Provincial Legislature, you will

will avail yourself of the opportunity of publicly expressing to them His Majesty's thanks and approbation of their past services.

NEW
BRUNSWICK.

The custom you state to have hitherto prevailed of the proceedings of the Legislative Council being carried on with closed doors, is liable, I think, to considerable objection and misconstruction, and it seems to me highly desirable that in future the ordinary deliberations of this branch of the legislature should be open to the public. I wish you, therefore, privately to suggest to the members the propriety of making such a change, which, of course, can only be effected by the authority of the Council itself. Under what regulations this privilege is to be granted, and on what occasions it may be proper to suspend its exercise, will also be questions for their consideration.

His Majesty has been pleased to approve of the gentlemen recommended by you as members of the Executive and Legislative Councils, with the exception of Mr. Street, whose appointment to the Legislative Council I should rather wish to be deferred for the present, as Mr. Odell would otherwise be the only executive councillor not in the Legislative Council. I think this would hardly be sufficient to mark the distinction of the two bodies, and would make the one appear too much like a committee of the other.

The separation of the two Councils, and the retirement of the judges, is perhaps a sufficient innovation at once, and I therefore acquiesce in the propriety of not attempting at present to establish a closer connexion between the Executive Government and the Assembly, as originally proposed; I, however, still entertain the opinion that this is an object which should not be lost sight of, and which it will be very desirable hereafter to accomplish. In order to effect this, it is desirable that the public should be led to regard (as in England) the obtaining a seat in the Privy Council as an honour not incompatible with any other situation, or as disqualifying the holder from sitting likewise in the Assembly. The best mode, probably, of trying the experiment of uniting in one person the two characters, would be to endeavour to procure the election of an executive councillor as a member of the Assembly, instead of naming a person already in the Assembly to the Council. With this view, I think it would be advisable to take an early opportunity of introducing into the Executive Council some gentleman possessing such an interest in some part of the Province as is likely to lead to his being chosen one of the representatives. I trust that I shall be enabled to transmit to you by the next packet the necessary authority, under His Majesty's sign manual, for carrying the proposed arrangement into effect.

I have, &c.
(signed) *Goderich.*

(No. 58.)

— No. 14. —

No. 14.

COPY of a DESPATCH from Lieutenant-governor Sir *A. Campbell*, Bart. G. C. B.
to Viscount *Goderich*.

My Lord,

Fredericton, N. B., 18 November 1832.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 25th September (No. 56), by which I find that in the contemplated changes in the formation of the Council of New Brunswick, the puisne judges are no longer to hold their seats in the Legislative Council.

In my despatch of the 29th August last (No. 51), I had the honour of communicating to your Lordship that Mr. Crane, the Speaker of the House of Assembly, had respectfully declined accepting of a seat in the Legislative Council. I now beg to recommend for that vacancy A. G. Botsford, esq., the eldest son of Judge Botsford, he is a country gentleman, and one of the most zealous officers in the militia of New Brunswick, in which he holds the rank of Lieutenant-colonel, and he is reported to me in every respect well qualified to fill the situation for which he is now recommended; it would also prove very gratifying and complimentary to the feelings of the worthy judge to be succeeded by one of his family, and I have every reason to believe that such a measure would be no less acceptable to the whole county of Westmorland.

I have, &c.
(signed) *Arch. Campbell*, Lieut.-governor.

NEW
BRUNSWICK.

(No. 64.)

— No. 15. —

No. 15.

COPY of a DESPATCH from Viscount *Goderich* to Lieutenant-governor
Sir *A. Campbell*, Bart. G. C. B.

Sir,

Downing-street, 7 December 1832.

I HAVE the honour to transmit to you His Majesty's commission, under the Great Seal, establishing two distinct Councils for the Province of New Brunswick. I also enclose an additional instruction, under the Royal Sign Manual, appointing the members of the Executive Council. The chief justices of Upper and Lower Canada having resigned their seats in the Executive Councils of those Provinces, in deference to the opinion which had been expressed by the House of Commons as to the impropriety of the chief justice holding a seat in the Executive Council, and as I entirely concur in the recommendation of the Canada Committee on this subject, you will at once perceive that it was impossible for me to include the name of the chief justice as an executive councillor for New Brunswick; I have, therefore, submitted the name of Mr. John Simcoe Saunders to His Majesty to fill the vacancy occasioned by the omission of the chief justice in the list of the Executive Council.

I have, &c.

(signed) *Goderich*.

No. 1.

No. 2.

Encl. 1, in No. 15.

Enclosure 1, in No. 15.

COMMISSION.

WILLIAM R.,

Our Will and Pleasure is, that you prepare a Bill for Our Royal Signature, to pass Our Great Seal of Our United Kingdom of Great Britain and Ireland, in the Words, or to the effect following:

WILLIAM the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, to Our right trusty and well-beloved Matthew Lord Aylmer, K. C. of the most honourable military Order of the Bath, Lieutenant-general of Our Forces, greeting. Whereas, by letters patent, bearing date at Westminster, on the 6th day of July 1831, in the second year of Our reign, We did constitute and appoint you to be Our Captain-general and Governor-in-Chief in and over Our province of New Brunswick, and did by Our said commission give, grant, and commit to you certain powers and authorities, to be by you exercised in manner therein mentioned, with the advice and consent of Our Council of Our said province, as by reference to the said letters patent will more fully and at large appear: And whereas we have deemed it expedient that there should henceforward be two distinct councils in Our said province, for the purposes hereinafter mentioned: Now, therefore, know ye, that We of Our especial grace, certain knowledge, and mere motion, have thought proper to grant, provide, and declare, and do hereby grant, provide, and declare, that there shall henceforward be within our said province of New Brunswick, two distinct and separate councils, to be respectively called the Legislative Council and the Executive Council of Our said province; and we do hereby further direct and declare Our pleasure to be, that all and every the powers and authorities in the letters patent aforesaid contained, and thereby conferred on and vested in Our Council therein mentioned, so far as respects the enactment of any laws to be made within Our said province, shall henceforth be and the same are hereby vested in the said Legislative Council, and that all other powers and authorities whatsoever in the letters patent aforesaid contained, and thereby conferred on and vested in Our Council therein mentioned, shall henceforth be and the same are hereby vested in the said Executive Council. And We do further direct and declare Our pleasure to be, that all and every the provisions, clauses, matters, and things in the said letters patent contained, or which are or shall be contained in the general or other instructions therein referred to, with reference to the constitution of the Council therein mentioned, and to the number of the members thereof, and to the nomination, appointment, suspension or removal of such members, shall be and the same are hereby made applicable to the said Legislative Council, as fully as if the same and every of them were here repeated. And We do further declare that the said Executive Council shall consist of five members and no more, and that three of such members shall constitute and be a quorum of Our said Executive Council, and that such persons shall be the Members of the said Executive Council as are for that purpose nominated and appointed by the additional instructions under our signet and sign manual accompanying these presents, and bearing even date herewith, or shall be so nominated and appointed by any further instructions to be by Us for that purpose addressed to you under Our signet and sign manual, or in Our Privy Council, or through one of Our principal Secretaries of State. And we do further direct and require that every member of Our said Executive Council of Our said Province shall take and subscribe such and the same oaths, and make all such and the same declarations (to be by you for that purpose administered), as by the said recited letters patent are required to be taken or made by the members of Our Council therein

therein mentioned. And We do hereby authorize you, subject, nevertheless, to the rules and regulations in that behalf contained in the instructions aforesaid, to suspend any member of the said Executive Council from his place therein, until Our pleasure shall be known; and We do hereby declare that the respective Members of the Executive Council shall respectively hold their places therein during Our pleasure.

NEW
BRUNSWICK.

In witness, &c., witness, &c., and for so doing this shall be your warrant.

Given at Our Court at St. James's, this 20th day of November 1832, in the third year of Our reign.

By His Majesty's command,

(signed) *Goderich.*

Enclosure 2, in No. 15.

Encl. 2, in No. 15.

INSTRUCTIONS.

WILLIAM R.

AN additional Instruction to Our Right Trusty and Well-beloved *Matthew Lord Aylmer*, K. C. B., Lieutenant-general of Our Forces, Our Captain-general and Governor-in-Chief in and over Our Province of *New Brunswick* in America, or in his absence to Our Lieutenant-governor or Officer administering the Government of Our said Province for the time being. Given at Our Court at St. James's this 3d day of December 1832, in the Third year of Our Reign.

WHEREAS by Our Commission under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing even date herewith, We did grant, provide, and declare that there should henceforward be within Our said province of New Brunswick two distinct and separate councils, to be respectively called the Legislative Council and the Executive Council of Our said province: and We did further declare that the said Executive Council should consist of five members and no more, and that such persons should be the members of Our said Executive Council as should be for that purpose nominated and appointed by the additional instructions under Our signet and sign manual accompanying Our said commission: Now know ye, that We, reposing especial trust and confidence in the loyalty, integrity, and ability of Our trusty and well-beloved *Thomas Baillie*, *Frederic P. Robinson*, *William Franklin Odell*, *George F. Street*, and *John Simcoe Saunders*, esquires, do hereby constitute and appoint them the said *Thomas Baillie*, *Frederic P. Robinson*, *William Franklin Odell*, *George F. Street*, and *John Simcoe Saunders* to be the members of Our said Executive Council, and do hereby empower you to summon them to Our said Council accordingly. And We do further declare Our will and pleasure that in your absence, or in the absence of Our Lieutenant-governor of Our said province, or the officer administering the government for the time being, the member of Our said Council whose name shall be first placed on the list shall preside in Our said Council.

— No. 16. —

(No. 8.)

No. 16.

COPY of a DESPATCH from Lieutenant-governor Sir *A. Campbell*, Bart. G. C. B. to Viscount *Goderich*.

My Lord,

Fredericton, N. B., 12 February 1833.

By the December mail, which arrived only a few days ago, I had the honour to receive your Lordship's despatch of the 7th December last, transmitting His Majesty's Commission under the Great Seal establishing two distinct Councils for the Province of New Brunswick; and I have now to inform your Lordship that I have this day carried His Majesty's commands into effect, in every respect as therein directed. It is a measure that I feel confident will work well for the benefit of the Province, although in the establishment of this, as indeed any new regulation, many individuals (in their own estimation of their claims and merits) may feel themselves hurt at their exclusion from one or other of the Councils.

I have, &c.

(signed) *Arch. Campbell.*

— No. 17. —

(No. 14.)

No. 17.

COPY of a DESPATCH from Lieutenant-governor Sir *A. Campbell*, Bart. G. C. B. to Viscount *Goderich*.

My Lord,

Fredericton, N. B., 4 March 1833.

In the concluding part of my despatch of the 12th ultimo, I observed to your Lordship that in the establishment of any new regulation, such as that of the Councils therein adverted to, many individuals, in their own estimation of their claims and services, would, no doubt feel themselves hurt at their exclusion

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from the one or the other of the Councils. Such has proved to be the case, and out of that feeling has emanated the enclosed address.

The Commission under the Great Seal for the formation of the two Councils, was read in my presence before the breaking up of the old one, comprehending all that I could say on the subject; my reply, therefore, to the accompanying address was, that I had received no further instructions. Some days afterwards the Council addressed me for a copy of the instructions that came with the Royal Commission for the formation of the Executive, which was immediately sent, as well as one to the Lower House on its application for the same. Some members of the old Council wish to make it appear that it was their undoubted right to be appointed to the Executive; and I am told, that notwithstanding my assurance to them, that I should transmit their address by the first mail, they intend to forward to his Majesty a separate application to the same purport.

I hope, however, to be soon put in possession of your Lordship's decision on the points in reference.

I have, &c.
(signed) *Arch. Campbell.*

Encl. 1, in No. 17.

Enclosure 1, in No. 17.

Legislative Council Chamber, Monday,
18 February 1833.

ON motion of Mr. Simonds.

Resolved, That an humble address be presented to his Excellency the Lieutenant-governor, praying that he would be pleased to inform this House, whether any, and if any, what instructions have been received, relative to the rank respectively to be held by members of the Legislative and Executive Councils of this Province, and especially as relates to the succession to the administration of the government, on the event of the death or absence of the Lieutenant-governor for the time being; for although this house entertain no doubt that the administration of the government would in such case devolve upon the senior member of either of the said Councils, agreeably to the dates of their respective appointments, yet they deem it indispensably necessary, in order to prevent the possibility of collision in a matter of so great importance, that this question should be settled so as to preclude all doubt or difference of opinion, with as little delay as possible.

Ordered, That Mr. Peters and Mr. Simonds be a committee to present the same.

(signed) *William Tyng Peters, Clerk.*

Encl. 2, in No. 17.

Enclosure 2, in No. 17.

Message to the Legislative Council, 20 February 1833.

THE Lieutenant-governor informs the Council, in answer to their address of the 18th instant, that he has not received from his Majesty's Government any instructions relative to the rank to be respectively held by Members of the Legislative and Executive Councils, nor as relates to the succession to the administration of the government, in the event of the death or absence of the Lieutenant-governor. He will, however, transmit a copy of the address of the Council, by the first mail, to England, and will in the meantime take measures for ascertaining, for the information and guidance of his Majesty's Executive Council, in the event of such a contingency arising as stated in the address, what orders have been received, or what customs have obtained in other colonies similarly situated.

(signed) *A. C.*

No. 18.

— No. 18. —

(No. 18.)

COPY of a DESPATCH from Lieutenant-governor Sir *A. Campbell*, Bart. G. C. B.
to Viscount *Goderich*.

Fredericton, New Brunswick,
11 March 1833.

My Lord,

By the detention of the mail for some days beyond the usual time of departure, in consequence of a severe snow storm, I am enabled to transmit to your Lordship some extracts from the proceedings of the House of Assembly, by which it will be seen that they have passed eight resolutions, in furtherance of their opposition to the Commissioner of Crown Lands, his department, the collection of the quit-rents, and the newly-constituted Executive Council, which, with the annexed remarks, I lose no time in forwarding for your Lordship's information.

I have, &c.
(signed) *Arch. Campbell.*

Enclosure in No. 18.

EXTRACTS from the Journal of the House of Assembly of *New Brunswick*, dated 8th March 1833.

Lieutenant-Governor's Remarks.

No. 5.—Resolved, &c., That the majority of the present Executive Council of this Province cannot have the confidence of the country, inasmuch as the first named on the list holds the office of Commissioner of Crown Lands and Forests in this Province; an office of such great power and authority as renders it incompatible with the administration of the government of the Province to which such councillor would immediately succeed, in the event of the death or absence of the Lieutenant-governor; and that the persons second and third named on the said list, hold public situations in this Province, also inconsistent with the administration of the government, to which they might hereafter succeed. And it is the further opinion of this committee, that the composition of the said Executive Council is highly unjust and unsatisfactory, by the exclusion therefrom of old and faithful councillors, who were entitled, by the former constitution, to succeed to the government of the Province, prior to any of those placed on the list of the Executive Council.

To which resolution an amendment was moved, for striking out the words "unjust and * * * * *," and it was carried in the affirmative.

No. 5.—The exclusion from the Executive and Legislative Councils of certain persons, who estimate their own pretensions and merits at a high rate, is, no doubt, the cause of this resolution.

I shall pass by the objection made to the first-named person, his Majesty's Government having been fully aware of the public situation he holds, when he was placed first on the list of the Executive Council.

The second person on the list is J. P. Robinson, esq., a gentleman of the country, holding the appointment of auditor of the casual revenue accounts, on a salary of 300*l.* per annum.

The third named person is W. F. Odell, esq., also a native of the Province, holding the situation of provincial secretary, on a salary of 250*l.* per annum, the amount of commutation fees on the sale of land and timber not being yet fixed by the Lords of his Majesty's Treasury.

On the highly disrespectful and perhaps unprecedented language of the concluding part of this resolution it would be presumptuous in me to offer any remark; but I will here take the liberty of giving a proof of the inconsistency of the framers of these resolutions.

They object to Messrs. Robinson and Odell having seats in the Executive Council, from their holding public situations in the Province which renders such their appointments inconsistent with the administration of the government; and that the composition of the said Executive Council is highly unjust and unsatisfactory, by the exclusion therefrom of the old and faithful councillors.

Of the old council, four members are not in the newly-constituted Executive; viz. 1st. Mr. Black, mayor of the city of St. John (90 miles distant from the seat of government), which appointment yields emoluments, I believe, to the amount of from 500*l.* to 600*l.* per annum.

The second is Mr. Shore, holding the situation of clerk of the Supreme Court, giving him from 900*l.* to 1,000*l.* per annum, besides being adjutant-general of militia, on an annual salary of 75*l.*

The third is Mr. Henry Peters, a country gentleman residing at Gage Town, 36 miles from the seat of government, and holding no appointment of pay or emolument.

The fourth is Mr. Richard Simonds, provincial treasurer, on a salary of 600*l.* per annum, living at St. John.

So that by their way of viewing the subject, Mr. Peters, from holding no official situation, is the only person eligible for the Executive Council, or the administration of the government.

Not only in the majority, but in the composition of the whole of the Executive Council, I have every confidence, and I am sure that they will prove themselves worthy of that of the country.

(signed) A. C.

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No. 19.

— No. 19. —

(No. 28.)

EXTRACT of a DESPATCH from Lieutenant-governor Sir *A. Campbell*, Bart.
G.C.B. to Viscount *Goderich*.

Fredericton, N.B., 9 April 1833.

By the last mail I had the honour to transmit to your Lordship some resolutions handed to me by the Legislative Assembly on their supposed grievances, upon which I made a few marginal remarks. Since then, they have presented me with a copy of their address to His Majesty on the same subject, herewith enclosed.

Encl. in No. 19.

Enclosure in No. 19.

EXTRACT from the ADDRESS of the House of Assembly of *New Brunswick* to His Majesty.

THE House would also most humbly but urgently pray Your Majesty's reconsideration of the constitution of the Executive Council lately formed in the Province, by which three of the first-named persons on the list hold situations incompatible with a just execution of the duty of administering the government of the Province, in the event of the death or absence of the Lieutenant-governor, and at the same time old and faithful councillors, in whom the country have long had full confidence, have thus been deprived of succeeding to the high and honourable situation, to which, by the former Royal Commission and instructions, they were entitled. And Your Majesty may be well assured that your faithful Commons of New Brunswick would never have uttered the expression of their feelings on this subject, did they not believe that Your Majesty could not have been well informed of the true state of things in this Province, and of the general dissatisfaction which this measure would occasion.

No. 20.

— No. 20. —

(No. 38.)

COPY of a DESPATCH from Lieut.-governor Sir *A. Campbell*, Bart. G.C.B.
to the Right Honourable *E. G. Stanley*.

Sir,

Fredericton, N.B., 26 May 1833.

I HAVE now much satisfaction in reporting that experience confirms the advantages I anticipated from the measure adopted some months ago of dividing the Council into purely legislative and executive ones, instead of, as heretofore, the same individuals composing and performing the duties of both situations. This measure cannot fail in its operation in being appreciated as a boon to the Province, from the facility it affords to the dispatch of all public business, and to me as Lieutenant-governor it is most particularly gratifying.

On the first promulgation of the measure alluded to, disappointed individuals endeavoured to render it unpopular, not in a public point of view, but in consequence of their own exclusion, all the members of the old Council considering themselves entitled, as a matter of course, to become members of the new Executive; and, again, by others who deemed themselves overlooked in not being appointed to the Legislative Council in room of the puisne judges.

By Lord Goderich's despatch of the 1st May 1832 (No. 36), I found myself authorized to increase the number of the members of the Legislative Council, then consisting of 12. I did not at that time avail myself of his Lordship's permission, as I was desirous of trying how matters would proceed with the old number; but the experience of the last session of the General Assembly leaves me now fully impressed with the necessity of the increase then contemplated in the Upper House, and particularly of introducing into that body some legal talent to regulate not only that body itself, but also to counteract the many improper and ill-digested measures emanating from the Lower House, which duties have been hitherto ably performed by the three puisne judges.

I now,

I now, therefore, beg earnestly to recommend the addition of four members to the Legislative Council, and to propose as such the Hon. G. F. Street (who was formerly recommended, but it was deemed advisable by Lord Goderich then to postpone his appointment, for reasons stated in the despatch referred to; this gentleman is a member of the Executive or Privy Council), Charles Jeffrey Peters, esq., the attorney-general, Robert Parker, esq., the solicitor-general, and Thomas H. Peters, esq., clerk of the peace for the county of Northumberland—all gentlemen of the highest respectability, natives of the Province, and having a great stake in it. I am aware as the Council formerly stood, having the legislative and executive duties to perform, that the Crown lawyers being members of it, would in every respect be objectionable; but now that the Privy Council duties are entrusted to a separate body, I trust there may be no objection to their being brought into the Legislative Council, where their respectability and legal acquirements cannot but prove most serviceable to the public interests of the Province, as no decision of a local nature can emanate from that body that can in the least degree interfere with the duties of their official appointments.

Should you desire any further information on the subject of this despatch, I beg respectfully to refer you to the Hon. Thomas Baillie, commissioner of Crown Lands, &c., in this Province, now in England, who is well acquainted with the subject under discussion.

I have, &c.
(signed) *Arch. Campbell.*

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(No. 19.)

—No. 21.—

No. 21.

COPY of a DESPATCH from the Right Hon. *E. G. Stanley* to Lieutenant-governor Sir *A. Campbell*, Bart. G.C.B.

Sir,

Downing-street, 8 August 1833.

I HAVE received your despatch, No. 38, of the 26th May last, reporting your satisfaction with the result of the measure for separating the Councils in New Brunswick, and proposing that an addition should be made to the number of the members composing the Legislative Council.

In answer to this communication, I have the honour to inform you that I have had much pleasure in submitting the name of Mr. Charles Peters to his Majesty for a seat in the Legislative Council, and I shall forward, by an early opportunity, the instrument containing his appointment. With respect to the other gentlemen named in your despatch, I must decline submitting their names to his Majesty, not because I have any reason to doubt their qualifications, but because the very object of the separation of the Executive and Legislative Councils was to confer upon the latter of them a greater character of independence, by making it consist of a larger proportion of members not holding office under the Government. I shall therefore be glad to receive from you a report of such resident colonists, unconnected with office, as you feel able to recommend as qualified for a place in the Legislative Council of New Brunswick.

I have, &c.
(signed) *E. G. Stanley.*

(No. 11.)

—No. 22.—

No. 22.

COPY of a DESPATCH from the Right Honourable *E. G. Stanley* to Lieutenant-governor Sir *A. Campbell*, Bart. G.C.B.

Sir,

Downing-street, 27 July 1833.

I HAVE received and laid before the King your despatch, No. 22, of the 19th March last, enclosing certain resolutions of the Legislative Council, and also an address from that body to His Majesty on the subject of the relative rank to be held by members of the Executive and Legislative Councils, and on the right of succession to the administration of the government of the Province in the event of the death or absence of the Lieutenant-governor.

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With respect to the latter point, I think that the existing instruments under the Royal Sign Manual are sufficient to place it beyond the reach of doubt. By letters patent, bearing date the 3d December 1832, the Council of New Brunswick was divided into two distinct Councils, to be styled the Legislative Council and the Executive Council. The Legislative Council was to have those powers of the original and joint Council which respected the enactment of laws; but all other powers and authorities whatsoever belonging to the original Council were to be vested in the Executive Council. It necessarily follows that the privilege of succeeding to the administration of the government must belong to the senior member of the Executive Council. I may add, that this provision was no more than consistent with the nature of the two bodies which His Majesty was creating in dividing the Councils. It was natural that the advisers of the Governor in the ordinary discharge of his office should be presumed to be better prepared to succeed on an emergency to the same office than those who were confined to the separate, though highly important, business of legislation.

The solution of the question referred to in the preceding observations appears to me to answer the question respecting the relative rank of members of the Executive and Legislative Councils. As the succession to the government belongs to the senior member of the Executive Council, the members of that Council ought to have precedence of all other persons, for it would be a manifest inconvenience that an officer called upon to administer the government should thereby supersede a previous superior in rank.

I have, &c.
(signed) *E. G. Stanley.*

No. 23.

— No. 23. —

EXTRACT of a DESPATCH from the Right Honourable *E. G. Stanley* to Sir *A. Campbell*, Bart. G.C.B. dated Downing-street, 7 August 1833 (No. 18.)

ON the division and composition of the Councils, I shall merely state, that I entirely approve the general principle on which the measure of separating the Councils was founded, and without further proof of practical inconvenience resulting in the particular instance than has yet been brought forward, that I think it far from expedient to disturb arrangements so recently adopted by His Majesty's Government.

No. 24.

— No. 24. —

(No. 56.)

COPY of a DESPATCH from Lieut.-governor Sir *A. Campbell*, Bart. G.C.B. to the Right Hon. *E. G. Stanley*.

Sir,

Fredericton, N.B., 15 October 1833.

I HAVE the honour to acknowledge the receipt of your despatches of the 8th and 26th August last, acquainting me with the reasons that prevented you from submitting to His Majesty the names of the gentlemen respectively holding the appointments of attorney-general, solicitor-general, and advocate-general, for seats in the Legislative Council, but, as I understand, approving of my recommendation of Mr. Thomas H. Peters for that honour.

I am also therein desired "to submit for your consideration the names of such resident colonists, unconnected with office, as I might feel able to recommend as qualified" to become members of that body.

I have now, after much consideration of that subject, the honour to lay before you the names of three gentlemen, all natives of the Province, in my opinion qualified in every respect to fulfil the important duties of legislative councillors; viz. George Henry Hazen, Esq., formerly an officer in the army, now residing upon his own property; 2dly, Thomas Carlton Lee, esq., a private gentleman, residing on his own property; and, 3dly, John Thomas Murray, esq., a very talented barrister-at-law.

I am

I am led to believe that there is a mistake in the insertion of the christian name of Charles Jeffrey, instead of Thomas H. (Peters) in the instrument, under the Royal Sign Manual, transmitted with despatch 26th August. As the former is the name of the attorney-general, whom I understood to be one of those objected to, as holding office under Government, the appointment of clerk of the peace for the county of Northumberland, held by Mr. Thomas Horsfield Peters, can scarcely be considered in the light of a government office, being merely a provincial nomination, under the warrant of the Lieutenant-governor.

I have, therefore, deemed it right to bring to your notice the doubt existing in my mind on this subject, as, should a misunderstanding exist, there will be ample time for its correction before the meeting of the House of Assembly in the latter end of January next.

I have, &c.
(signed) *Arch. Campbell.*

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-- No. 25. --

No. 25.

(No. 34.)

COPY of a DESPATCH from the Right Hon. *E. G. Stanley* to Lieutenant-governor Sir *A. Campbell*, Bart. G.C.B.

Sir,

Downing-street, 30 November 1833.

I HAVE the honour to acknowledge the receipt of your despatch No. 56, of the 15th October last, recommending George Henry Hazen, Esq., Thomas Carleton Lee, Esq., and John Thomas Murray, Esq., as well qualified to become members of the Legislative Council of New Brunswick.

Having submitted the names of these gentlemen to the King, his Majesty has been pleased to approve of your recommendation; and I transmit herewith the necessary mandamuses summoning them to the Council accordingly.

The fees of these instruments, amounting to 9*l.* 15*s.* each, you will have the goodness to receive, and forward to Mr. George Wilder, of this department

I have, &c.
(signed) *E. G. Stanley.*

-- No. 26. --

No. 26.

(No. 20.)

COPY of a DESPATCH from Lieut.-governor Sir *A. Campbell*, Bart. G.C.B. to the Right Hon. *E. G. Stanley.*

Sir,

Fredericton, N. B., 26 March 1834.

I HAVE the honour to transmit to you an address from the Legislative Council of this Province to the King, respecting the relative rank and privileges of the members of the two Councils, and praying his Majesty to appoint the legislative councillors for life.

Until this address was handed to me for transmission, I certainly entertained a very confident hope that the clear and unanswerable decision given in your despatch of the 27th July 1833, No. 11, would have put all further discussion of the point of precedence at rest: whether the reasons assigned for thus again agitating the question are of sufficient weight and importance to disturb existing arrangements, or to alter that decision, it belongs not to me to determine; but I cannot avoid remarking that some of these reasons go a length, and are delivered in a tone, which, without pronouncing any opinion on their character and tendency, may justly excite my surprise and disappointment; and I will add, that it must ever be deplored that such untenable doctrine as is put forth in the third paragraph of the address, should have emanated from a body so highly honoured by their Sovereign, and whose first duty it should be to inculcate reverence to the King, and willing obedience to the laws; viz. "That the Council then established (the original joint Council) constituted an efficient, independent, and permanent branch or part of the constitution of the colony, and which could not be changed or altered but by an Act of this Legislature, by and with the consent of your Majesty, &c. &c. &c."

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It is first proper to inquire how far the Council is borne out by the instructions erecting this Province into a separate government, and upon which the above theory is grounded, in thus boldly questioning the power and authority exercised by his Majesty in the late separation of the Councils.

The constitution of this Province is formed by the commission to the Governor, and the accompanying instructions, which direct the manner in which the powers given in the commission are to be executed, namely, according to those instructions, and "to such further powers and instructions as shall be hereafter given under the King's Signet and Sign Manual, or by order in the Privy Council."

By these instructions a Council was appointed to hold their seats during pleasure, having both legislative and executive powers vested in it: this the King thought proper to alter, and by commission under the Great Seal, an instrument of equal power with the commission to the Governor, divided this Council, and established a separate Executive Council, confining the former council to their legislative functions.

This constitution, often heretofore referred to by the Council, seems to be most strangely denied and set aside by this extraordinary address, which asserts, that it could not be changed or altered, but by an Act of the Legislature of this Province!! It also declares, that the members of the Executive Council cannot be entitled to a relative corresponding rank with those of the Legislative Council, notwithstanding the acknowledged maxim, that the King is the fountain of honour and of office, and can bestow rank as he thinks fit; and also notwithstanding your answer to their former address upon the subject.

The address then most inconsistently proceeds to pray his Majesty to do what it before denied him the power of doing,—to appoint the legislative councillors for life, and to allow the members of the Executive Council to rank with them, and to succeed to the administration of the government, according to the seniority of their appointments.

It is needless to remark upon this inconsistency, or upon the observation, "made in all humility," that the separation of the Councils was uncalled for by representation or complaint from this country.

The object of the address is evidently to secure, if possible, to one or two members of the present Legislative Council the chance of succeeding to the administration of the government upon any temporary vacancy; and to accomplish this end, the Council has not hesitated to impugn his Majesty's royal prerogative as exercised in the division of the Councils, while they at the same time put forward the expressive prayer that their appointment should be for life, with the view, as it would seem, to secure themselves from dismissal, in the event of their adopting measures in their legislative capacity which might draw down upon them the disapprobation or displeasure of his Majesty; a concession which would take from the King a power, in this young community, essential to the preservation of the dignity, respectability, and usefulness of that body, namely, of removing from it any member whose conduct may have proved him to be unfit for or unworthy of so high an honour.

There are other parts of the address that may appear to call for notice; but I shall content myself with merely repeating, in conclusion, that the division of the Councils is in my opinion working well, and, as far as the Executive Council is concerned, to my entire satisfaction; nor need I scruple to add, to the advantage of the country, from the greatly increased facility, regularity, and expedition, with which all matters coming under its jurisdiction are now investigated and decided on.

I have, &c.

(signed) *Arch. Campbell.*

Enclosure in No. 26.

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Encl. in No. 26.

To The KING'S Most Excellent MAJESTY.

The humble and dutiful Address of his Majesty's Legislative Council of the Province of New Brunswick, in General Assembly convened.

May it please Your Majesty,

WE have had the honour to receive, by message from his Excellency the Lieutenant-governor, the despatch of Your Majesty's Secretary for the Colonies, in answer to our Address to Your Majesty, respecting the relative rank of the President and Members of the Legislative Council and those of the Executive Council. At the time when we had the honour of addressing Your Majesty upon that subject, it was a system perfectly new to us, and had been entirely unknown to the constitution of this colony, as well as to that of the ancient colonial system, and which has been but very recently introduced by Act of Parliament into any of the colonies.

We, therefore, most humbly crave leave again to approach Your Majesty, and to offer for your royal and benevolent consideration some additional reasons and observations in elucidation and support of our claim, that the members of the two councils should respectively rank and succeed to the administration of the government, according to the seniority of their appointments, as has heretofore, from the time of the first establishment of colonial governments in North America, been accustomed.

That the Councils appointed by your late Royal Father of glorious and revered memory, upon the erection of this country into a separate and distinct Government, have invariably from that time performed, and do still continue to perform, all acts of legislation in as full and ample a manner here, as the House of Lords have done in England, conducting all our proceedings and keeping our journals strictly conformable to those of their Lordships; and have always been considered in the colony, as well by the people at large as by the House of Assembly, to stand in strict analogy in those respects with their Lordships; nor do we think that Your Majesty's Letters Patent of the 3d of December, for dividing the Council, did in any manner impugn, alter, or diminish the powers or duties of the Members of the Legislative Council, conferred upon them by your late Royal Father, but that the Council then established constituted an efficient, independent, and permanent branch or part of the constitution of the colony, and which could not be changed or altered but by an Act of this Legislature, by and with the consent of Your Majesty, although its Members have been, and still continue to be appointed during pleasure; and we take leave humbly to submit for Your Majesty's favourable consideration, whether their being appointed for life would not be more conducive to Your Majesty's interest, and that of the country, by raising them in the estimation of the public, and thereby promoting their usefulness and efficiency.

We abstain from making any additional observations respecting the Executive Council, and confine ourselves briefly to recapitulate, that as we have not been able to find, that the Members of such a Council are recognized in the Table of Precedence in England, or in that which has been adopted for the colonies; and, as it appears to bear so slight a resemblance to Your Majesty's Cabinet, either in the extensiveness or importance of its duties we therefore humbly conceive that it cannot be entitled to a relative corresponding rank in this colony.

We in all humility beg leave respectfully to represent, that the forming this Council, by breaking up by letters patent the old Council, which was constituted in the same manner, and with the same powers, conformable to all colonial councils which had been instituted from the first establishment of colonial governments in North America, was altogether uncalled for by any representation or complaint from this country against it; and it could not fail to excite feelings of great concern in the members of the old Council to observe, on the establishment of this new one, that a junior councillor was selected and placed at its head, with the intention of giving him not only rank above his seniors, but also of investing him with the power of administering this government in case of a vacancy, thus depriving them of the honourable distinction and reward which, from their zealous and faithful services to Your Majesty, they had conceived themselves entitled to expect.

We therefore humbly beg leave to lay the above brief statement before Your Majesty, and to pray that you will be graciously pleased to take the same into your paternal and favourable consideration, and to allow the members of the two Councils respectively to rank and succeed to the administration of government according to the seniority of their appointments, as has been accustomed from the time of the establishment of colonial governments in North America, and also to pray that Your Majesty would be graciously pleased to appoint the members of the Legislative Council for life.

And, as in duty bound, will ever pray.

Legislative Council Chambers,
22 March 1834.

(signed) *John Saunders,*
President Leg. Council.

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— No. 27. —

(No. 20.)

No. 27.

COPY of a DESPATCH from the Right Hon. *T. Spring Rice* to Lieutenant-governor Sir *A. Campbell*, Bart. G.C.B.

Sir,

Downing-street, 31 October 1834.

I HAVE received your despatch dated the 26th of March last, No. 20, enclosing an address from the Legislative Council of New Brunswick to the King, respecting the relative rank and privileges of the members of the two Councils, and praying his Majesty to appoint the legislative councillors for life.

I have laid this address before his Majesty, and have received his Majesty's commands to return the following answer to it.

The members of the Legislative Council claim to be entitled to take rank, and to succeed in the administration of the government, according to the seniority of their appointments. The claim to precedence, and to succession to the government, rest upon very different grounds, and involve considerations entirely separate from each other. It is not easy to suppose any part of his Majesty's prerogative more entirely beyond the reach of dispute, or one which it is more important to maintain unimpaired, than that by which he determines into what hands shall be delegated the administration of every other branch of his Royal authority in the dependencies of this kingdom. Any claim which derogates from the unfettered right of the King to decide upon whom the government of New Brunswick shall devolve, is the assertion of a right incompatible with the just rights of the Sovereign, and inconsistent also with the public interests. It is impossible, therefore, for his Majesty to relinquish a branch of his Royal authority with which he is invested for the common benefit of his people at large, and the renunciation of which would effect a most dangerous change in the practice and principles of the British Government. Whatever rules therefore may be established, respecting the precedency of the members of the Council of New Brunswick, it may be assumed as a fundamental principle that his Majesty's right of selecting the temporary administrator of the government, in the event of your own absence, will not be dependent upon any such regulations. That trust will always be committed into the hands of the person, whosoever he may be, whom his Majesty may consider as best qualified to discharge it with benefit to the public at large.

It is not necessary for the present purpose that I should examine very closely into the accuracy of the general maxims laid down by the Legislative Council, respecting their own constitution and inherent rights; but the choice of an Executive Council had no tendency to impair, it might indeed rather be said to have strengthened that resemblance to the constitution of the House of Peers on which the address insists. Although in their individual character their Lordships enjoy an ancient and prescriptive right to tender their advice to the King on questions of public interest, yet, in their collective capacity, in which alone the analogy is to be found, the Peers of England have never possessed or assumed the right to act as executive councillors of the King.

The recent change left the Legislative Council unaltered in its constitution, and in all its appropriate functions; it withdrew from them an employment to which they were not considered to be as competent as the body to which it was transferred. That employment was the counselling the Governor in the administration of his executive duties. The right of the King to select the person to whom the exercise of his prerogative is to be delegated, necessarily implies and supposes the right of selecting the persons by whose advice the Governor is to be assisted in the discharge of that trust. In this, as in many other cases, the greater power necessarily involves the less.

To the proposal that the King should constitute the legislative councillors members of that body for life, his Majesty will not be advised to accede; his Majesty will be at all times most ready to receive, and to weigh attentively, any arguments which the Legislative Council of New Brunswick may wish to lay before him; but with respect to the division of the two Councils, it is advisable to state that his Majesty's decision was mainly influenced by the reflection that this new arrangement might enable him to bring the Executive Government of the province into that free communication with the House of Assembly which

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is, on every account, so desirable. By calling some members of that House to the Executive Council, a channel for constant and unrestrained intercourse was opened, from which it seemed reasonable to anticipate very considerable public benefit. Nothing has hitherto occurred to shake the foundation on which this opinion proceeded. With regard to the question of precedence between the members of the two Councils, it was certainly thought that, as in the absence of a Governor or Lieutenant-governor, or of an administrator of the government, the succession most properly belonged to the head of the Executive Council, precedence should be conceded to the members of that body. But I am at present disposed to adopt as reasonable the modification suggested in the address, that the ranks of members of either Council should depend upon the seniority of their appointments; not however admitting, but rather denying the consequence, that the succession to the government should be regulated by seniority of rank. The persons selected to advise the Governor in the administration of his office are presumeably the best qualified to succeed, in case of necessity, to the discharge of it.

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I have, &c.
(signed) *T. S. Rice.*

— No. 28. —

No. 28.

(No. 19.)

COPY of a DESPATCH from Lieutenant-governor Sir *A. Campbell*, Bart. G.C.B.
to Lord *Glenelg*.

Fredericton, New Brunswick,
16 March 1836.

My Lord,

THE documents herewith transmitted may appear to your Lordship to contain some repetitions; but I beg to account for such being the case, by my having made the remarks on the resolutions before the copy of the address was sent to me yesterday from the House of Assembly.

I have, &c.
(signed) *Arch. Campbell.*

Enclosure in No. 28.

Encl. in No. 28.

EXTRACT from the Resolutions of the House of Assembly, passed March 1836, with
Remarks thereon.

Resolution 20.—Resolved, as the opinion of this Committee, that the members of the Executive Council should be increased to no less than nine in the whole, in order that the administration of the government might be enabled at all times, and under every emergency, to derive the best information on every subject affecting the general interest of the Province that may be brought under his consideration.

Remarks.—This arrangement would perhaps be unobjectionable, if persons properly qualified for the office were to be found at the seat of government, or so near to it as to be at the immediate call of the governor whenever required.

Resolution 21.—Resolved, as the opinion of this Committee, that by calling some members of the House of Assembly to the Executive Council, which would not be considered as constituting a reason for vacating the seat of such member, a channel for constant and unrestrained intercourse would be opened, from which very considerable public benefit might be derived; and that it appears from the despatch of Mr. Secretary T. Spring Rice, of October 1834, that His Majesty's decision in dividing the Councils of this Province was mainly influenced by the reflection, that this new arrangement might enable him to bring the Executive Government of the Province into a free communication with the House of Assembly.

Remarks.—An arrangement by which the Executive Government might be brought into a free communication with the House has always been considered desirable, but it was very doubtful whether the mode proposed by the Assembly would succeed. Without adverting to the probability that a party in the House would prevail to vacate the seat of any member of that House on his being called to the Executive Council, such member must take the hazard, upon a dissolution, of being re-elected, when his holding a seat in the Executive Council would be objected against him, and used as a means (without a doubt successfully), to prevent his return, and another member of the Assembly must then be called to the Council. By this mode, the number of executive councillors would soon become too large,

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or the members called must, on failing to be re-elected, resign their seats in the Council. It is hardly to be supposed that men, ambitious of the legislature, would be found to accept a seat upon such doubtful tenure. The only mode, then, by which the object in view could be obtained, appeared to be by passing an Act of the General Assembly, declaring that a member of the Executive Council, to be named by the Governor for the purpose, should have a seat, voice, and vote in the Assembly, and be acknowledged there as the organ of communication between the Executive and the House. The adoption of a measure of this nature was suggested by the Earl of Ripon, in his despatch of 1st May 1832; but the decision of the House of Assembly of Lower Canada at the time, in forcing Mr. Mondelet to vacate his seat in the Assembly on his being appointed to the Executive Council, convinced the Government, together with other local circumstances, of the inutility of their urging the measure here. Now, however, that the House has offered to remove the principal objection, that of not requiring such members as may be called to the Executive Council to vacate their seats, the Government would be glad to see the experiment tried at the next session of the General Assembly, if proper persons can be found to accept of the appointment; and in my selection particular care shall be taken to recommend gentlemen who might be fit and proper to succeed to vacancies or otherwise, as might occur in the effective number of the Legislative Council, should they not be re-elected on a dissolution of the House.

Resolution 22.—Resolved, as the opinion of this Committee, that the instructions given Sir Francis Head, the Lieutenant-governor for Upper Canada, and the extracts of those furnished the Earl Gosford, as recently promulgated relative to the views of the Colonial Government entertained by the Crown, should afford entire satisfaction to the House, except only such part of said instructions as may be construed to affect the independence of members of the legislature who may hold any inferior office or appointment under Government, if the principles upon which they are founded were carried into operation in this Province, and that a reform in the councils of this colony, based upon the said instructions, whereby public officers would be responsible and accountable to the House, in being obliged to prepare and submit their proceedings in detail, as connected with the receipts and expenditures of the King's revenues, in the most explicit and circumstantial manner before the House of Assembly, should be humbly and dutifully asked for from His Majesty.

Remarks.—It must appear very extraordinary that the House of Assembly should attempt to legislate upon instructions to another Province, which were not officially before them, and of which they only had newspaper information. The absurdity of this proceeding is fully shown by the division on the question; but this division does not sufficiently mark the disposition of the House to render all His Majesty's servants in this Province responsible and accountable to it; the exception which they have introduced respecting the independence of members of the legislature was made, because the House affected to consider the instructions as extending to clerks of counties and all other subordinate officers.

Resolution 23.—Resolved, as the opinion of this Committee, that, in accordance therewith, it is highly expedient to bring under the notice of His Majesty's Government the present composition of the Legislative Council, with a view of having excluded from that body such officers as are immediately dependent upon Government, and receive large salaries, in order that so important a branch of the legislature appointed by the Crown may exercise, without embarrassment, a proper discretion upon all matters submitted to them.

Remarks.—This proposal, if complied with, would totally destroy the efficiency of the Legislative Council, by removing from it the chief justice, the attorney-general, and any other lawyer who might receive a salary from the Crown, thus weakening that salutary check and control over the ignorant and unconstitutional proceedings of the Assembly which has hitherto preserved the judicial departments of the Province, and would consequently prove highly injurious. Instead of acceding to this proposition, it would be very desirable to have more men of legal knowledge in the Legislative Council; and it is of vital importance for the preservation of the constitution, and the King's prerogative, that a portion of the Legislative Council should be under the direct influence of His Majesty's Government.

No. 29.

— No. 29. —

(No. 84.)

EXTRACT of a DESPATCH from Lord Glenelg to Sir A. Campbell, Bart. G. C. B.
dated Downing-street, 31 August 1836.

July 21.

I HAVE to acknowledge the receipt of your despatch of the 16th March last, No. 19, transmitting the copy of an Address from the House of Assembly of New Brunswick to his Majesty on various subjects connected with the administration of public affairs in that Province. I have since received from Messrs. Crane and Wilmot, the gentlemen deputed by the House of Assembly to represent them in this country, the original Address of the Assembly; and I have also been in communication with those gentlemen, as well on the matters to which the Address adverts, as on others connected with the colony.

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I have had the honour of laying at the foot of the Throne the Address of the House of Assembly, and I am commanded to express his Majesty's satisfaction at the spirit and temper in which the House has framed this record of their sentiments on subjects of great constitutional interest and importance.

The Assembly express their approbation of the instructions issued by his Majesty's commands to Sir F. Head and to the Canada Commissioners, and state, that it would afford them entire satisfaction if the principles which they involve were carried into operation in New Brunswick.

It is with great pleasure that I am enabled to give the Assembly the satisfaction which they desire. The principles involved in those instructions are not of limited application; they form the basis of the policy which, in his Majesty's judgment, it is the wisdom of this country to pursue, in reference, not only to the Canadas, but also to all the other states of British North America.

The Assembly next allude to the composition of the Executive Council.

They recommend that the members of the Council should be materially increased, and his Majesty will take this suggestion into consideration, although he is not yet prepared to declare whether it can be carried into effect, still less what should be the extent of the proposed increase.

The Assembly further express their cordial concurrence in the views of Mr. Spring Rice, relative to the summoning to that Board of some members of the popular branch of the Legislature.

On this topic the Assembly have expressed themselves with a just delicacy: declaring their approbation of Mr. Spring Rice's despatch, they yet disclaim any wish to offer an opinion to the King as to the persons whom his Majesty may be pleased to call to fill seats in the Executive Council. It is obvious, indeed, that a peremptory rule on the subject would be inadmissible. At present it is open to the Crown, at its own discretion, to select members for the Executive Council from all descriptions of his Majesty's subjects; the prerogative is unfettered, and it is, in the opinion of his Majesty's advisers, most advantageous for all parties that so it should remain. With respect to the manner in which it shall, in this branch of it, be exercised, his Majesty can give only the general assurance, which he directs me to convey to the House of Assembly, that his selection of persons to sit in the Executive Council will be guided solely by a reference to the permanent interests of the province, and to the qualifications of those whose names may be submitted to him for that distinction.

The composition of the Legislative Council is the next subject alluded to by the House. Admitting that no great public evil has yet arisen from this source, they nevertheless express their apprehension that, according to the principles laid down in the instructions to the Canada Commissioners, those members of the Council who hold office under the Crown could not be expected to exercise an unbiassed judgment on the questions which might come before them.

His Majesty's Ministers entirely agree in the importance of securing the independence of the Legislative Council. They are not indeed prepared, especially after the candid admission of the Assembly as to the working of the present system, to recommend to his Majesty the supercession of any of the present members of the Council; nor do they consider office as of itself a disqualification for a seat in the Council, but they freely admit that the introduction into it of too large a number of persons holding places of emolument under the Executive Government would tend to detract from its weight, as an independent branch of the Colonial Legislature. Lord Ripon, in a despatch, dated the 1st May 1832, observes, that the Legislative Council "should principally consist of gentlemen independent of and unconnected with the Executive Government, and selected from the principal inhabitants of the Province, and those having the greatest stake in its welfare."

To this principle, although it would seem that accidental circumstances have hitherto prevented it from being carried into full effect, his Majesty's Government continue to adhere. Whenever, therefore, it may become your duty to recommend to me, for his Majesty's approbation, the name of any gentleman to be appointed a member of the Legislative Council, you will bear in mind the rule laid down by Lord Ripon, in the words which I have just quoted.

It may be proper to advert in this place to the impression which has been produced on the minds of the Assembly by those clauses of the Instructions to Sir F. Head "which (to use their own language) might be supposed to affect

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the independence of members of the Legislature holding any inferior office or appointment under the Government :” on this subject it is enough to point out to the observation of the Assembly that the clauses in question, in so far as they concern persons holding seats in either House, have reference expressly to “members of the local government;” not to inferior officers, but to those who form an actual portion of the Executive Government, and whose cordial sympathy and co-operation are absolutely indispensable to the existence of any system of administration. With regard to such individuals, I trust the Assembly will admit the justice of the observation which concludes the consideration of this topic in the Instructions to Sir Francis Head: “Unless this course be pursued, it would be impossible to rescue the head of the Government from the imputation of insincerity, or to conduct the administration of public affairs with the necessary firmness and decision.”

No. 30.

— No. 30. —

(No. 85.)

EXTRACT of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor Sir *A. Campbell*, Bart. G.C.B. dated Downing-street, 5 September 1836.

31 August.

IN my despatch of the 31st ult. I have communicated to you the answer which his Majesty has commanded me to return to the Address from the House of Assembly of New Brunswick, of the 14th March last. I have at the same time enclosed, for your information, copies of the correspondence which had passed on the subject of that Address, and on other matters of a public nature, between Messrs. Crane and Wilmot, the gentlemen deputed by the House of Assembly to represent them in this country. Having communicated to Messrs. Crane and Wilmot the draft of my despatch of the 31st ultimo, I have received from them the enclosed observations on it; I have also had with them personal communications on the subject.

The first alteration proposed by Messrs. Crane and Wilmot is, that the Executive Council should, in compliance with the wishes of the Assembly, be at once enlarged, without waiting the further deliberation contemplated in my despatch of the 31st ult.

On this point his Majesty, after a due consideration of the arguments urged by the House of Assembly, and of the representations of Messrs. Crane and Wilmot, is prepared to adopt the necessary steps for meeting the wishes of the Assembly. It is unnecessary, on the present occasion, to offer any pledge as to the precise number of which the Executive Council should hereafter consist, nor indeed could an invariable rule be prescribed on that subject without inconvenience; but you will immediately report to me the names of several gentlemen whom you may think most eligible for seats in his Majesty's Executive Council. In making your selection you will not confine yourself to any single class or description of persons, but will endeavour to ensure the presence in the Council of gentlemen representing all the various interests which exist in the province, and possessing at the same time the confidence of the people at large. It may not be possible always to find such persons in the neighbourhood of the capital; but I am assured that there are gentlemen of fortune in the Province, who, if appointed to the Council, would, from public motives, attend to the duty.

Encl. in No. 30.

Enclosure in No. 30.

REMARKS on the Draft of Despatch for the Consideration of Lord *Glenelg*.

1st. On the Addition of Members to the Executive Council :

The Assembly of New Brunswick are desirous that the Executive Council be enlarged. First, because, as it is now composed, a majority of its members has not the confidence of the country; and secondly, because it is expedient that some members should be added thereto, who possess a practical knowledge of the commercial and other great leading interests of the Province.

For these reasons it would afford universal satisfaction to the people of New Brunswick if the Government would order such additions to be made.

31 May 1836.

(signed)

William Crane.
L. A. Wilmot.

— No. 31. —

(No. 56.)

No. 31.

EXTRACT of a DESPATCH from Lieut.-Governor Sir *A. Campbell*, Bart. G.C.B. to Lord *Glenelg*, dated Fredericton, New Brunswick, 17 December 1836.

HEREWITH I have the honour to submit, in obedience to your Lordship's commands, the names of several gentlemen in my opinion eligible and fit to hold seats in the Executive Council, on the contemplated increase of that body.

The respectability of character and hitherto unblemished reputations of these gentlemen, afford me the safest criterion to trust that the selection of them, or of as many of them as your Lordship may deem proper, cannot fail to prove satisfactory to the people at large.

To that list I could add the names of other respectable individuals; but they reside at such a distance from the seat of government, as to preclude their attendance at the ordinary meetings of the Council, which are frequent, and often necessarily at a short notice, and consequently they, as well as most of those now named, could be considered only as honorary members.

— No. 32. —

(No. 2.)

No. 32.

EXTRACT of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor Sir *John Harvey*, K.C.B. dated Downing-street, 6 April 1837.

IN my despatch, No. 85, of the 5th of last September, Sir A. Campbell was directed, with reference to the desire of the Assembly for the increase of the Executive Council, to report to me, without loss of time, the names of such gentlemen as should appear to him most eligible for seats in His Majesty's Executive Council. The instructions contained in that despatch I have to desire that you will consider as addressed to yourself. You will accordingly apply yourself without unnecessary delay to a compliance with them in this important respect. In conformity with my directions, Sir A. Campbell transmitted to me, on the 17th December, a list of several gentlemen whom he considered proper objects for the honour of the Executive Council. I request that you will take this list into your consideration in connexion with the whole subject, and will favour me with your observations on the recommendations which it conveys, as well as with your suggestions regarding any other gentlemen in the Province whom you may consider more eligible to be members of the Executive Council.

— No. 33. —

(No. 23.)

No. 33.

COPY of a DESPATCH from Lieutenant-Governor Sir *John Harvey*, K.C.B. to Lord *Glenelg*.

Government-House, Fredericton,
28 July 1837.

My Lord,

IN laying before your Lordship certain resolutions of the House of Assembly of this Province, which have been placed in my hands for that purpose, relative to the present composition of the Executive Council, it is my duty frankly to state to your Lordship, that under the peculiar circumstances in which I find myself placed, I could wish that the Council was differently composed, or that such an extension of it might immediately be made as might give me the benefit of a majority of its members, to whom I could bring myself to give my entire confidence, which I do not conceal from your Lordship it has not been possible for me, as yet, to extend to all the members of the present Board. I do not doubt the integrity of their motives, and I do not deny that a due disposition has been shown by the parties to whom I allude to act cordially with me in matters of detail and of minor importance; but questions must and do arise in which, from the preconceived opinions of those gentlemen known to be

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opposed to those entertained by me, it would perhaps be equally unreasonable and impossible for me to expect their cordial support of or assent to the measures which I may think it my duty to propose.

The interests of the public service may thus suffer. I have, therefore, at an earlier period than I had intended, given my attention to the instructions upon the subject conveyed in your Lordship's despatch to Sir Archibald Campbell, of the 5th September last, No. 35, and with reference to those instructions, have now the honour to submit the names of the following gentlemen, whose appointment to the Executive Council I have reason to believe would be generally acceptable and satisfactory to the Province. From this list I should be glad if the number necessary for increasing the Council to the establishment to which it may be your Lordship's intention to raise it, might at once be selected, as its duties will now become more onerous, in consequence of the transfer to it of much of the duty heretofore performed by the land granting department.

James Simonds, Esq., Speaker of the House of Assembly, a gentleman of wealth, of talent, and of great influence, and of one of the oldest loyalist families in the province. Mr. Simonds having contributed his powerful aid towards the settlement of the great questions which have just been brought to a satisfactory conclusion, has an intention of retiring from the chair of the popular branch of the Legislature. He resides near St. John's, which wealthy and rising commercial capital appears to me scarcely to have received its fair share of such appointments, as that which I now solicit for him. The communication betwixt Fredericton and St. John's is easy and rapid at all seasons of the year; and as I propose to hold "Land Boards" periodically, on stated days, there will be no difficulty in procuring the attendance of members from them at any time when their presence may be thought necessary.

William Crane, Esq., member of the House of Assembly, one of the deputies now in England, a gentleman of large property, and of attainments with which your Lordship is acquainted. Mr. Crane has acquired strong claims upon the respect and confidence of the inhabitants of this Province, and I think upon the Government.

Neville Parker, Esq., K. C., one of the ablest and most rising Chancery barristers in the colony, a gentleman upon whom I have recently conferred the distinction of King's counsel, and whom I have thought of for the office of Master of the Rolls, in the event of the Assembly acceding to the recommendation which I propose to make to that body, in its next session, to provide a suitable salary for such an appointment. Mr. N. Parker is a brother of the judge of that name, and resides at St. John's.

The Hon. A. E. Botsford, a member of the Legislative Council, son of the judge of that name, a highly respectable and popular person, residing in the county of Westmorland.

Hugh Johnston, Esq., a wealthy retired merchant, of excellent family; a gentleman of much ability, particularly as a financier, and one of the most influential members of the House of Assembly.

Hon. Joseph Cunard; was in Sir Archibald Campbell's list; is a member of the Legislative Council; a wealthy and enterprising merchant, largely embarked in the timber trade at Miramichi.

Hon. G. Shore; also a member of the Legislative Council, an old military officer, who served under me during the late war; a mild, discreet, judicious and popular person, possessing a considerable stake in the colony.

Of the whole of the individuals above submitted, only two are in any way connected with or related to the actual members of the Council. Mr. Johnston is very remotely connected with Mr. Frederick Robinson; and Mr. Shore is married to the sister of Mr. Saunders, a circumstance which would have prevented my including his name in the list. But independent of the circumstance of my wishing to give an old brother officer a proof of my confidence and good will, it is necessary that I should have one of the additional members a resident in Fredericton, in order to insure a quorum at all times when the solicitor and advocate-general (Messrs. Street and Saunders) may be absent on circuit, or otherwise, and for the purpose of forming the "Land Granting Committee," excluding therefrom, as I necessarily must do, the Crown Land Commissioner, and

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on this point I ought not to conceal from your Lordship, that I fully concur in the opinion which the House of Assembly has expressed, as to the incompatibility of the office of Commissioner of Crown Lands with that of Executive Councillor.

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I have, &c.

(signed) *J. Harvey,*
Lieut.-governor.

Enclosure in No. 33.

Encl. in No. 33.

House of Assembly, Friday, 21 July 1837.

1. Resolved, as the opinion of this committee, that the House should entertain a deep feeling of gratitude towards the Right Hon. Lord Glenelg, for the highly gratifying manner in which his Lordship has been pleased to express his Majesty's approbation of their proceedings on the subject of the differences which had unfortunately arisen, respecting the enactment of the Civil List Bill, and for the promptness with which the numerous unimportant objections advanced by the Executive of the Province against the completion of this measure were disposed of by his Lordship.

2. Resolved, as the opinion of this committee, that as very great discretionary powers are vested in the Lieutenant-governor and Executive Council, by the Act for the support of the civil government of this Province, that Council should be composed of persons possessing the confidence of the country; and not of those, a majority of whom have evinced a decided hostility to the principles of the late important arrangement.

3. Resolved, as the opinion of this committee, that while the House should repose the most entire confidence in the present Lieutenant-governor, and hail his appointment as an additional proof of his Majesty's paternal solicitude for the welfare of his devoted subjects in this Province, and as auspicious of a more liberal and satisfactory policy than that which characterized the late administration, they should deeply regret that the Executive Council remains unchanged; whereby his Excellency is precluded from obtaining that practical advice and assistance, so essentially necessary to a successful administration of the Government.

4. Resolved, as the opinion of this committee, that the House ought fully to recognise the principle laid down by Lord Glenelg, that the Executive Council should be composed of persons possessing the confidence of the country at large, and that the cordial sympathy and co-operation of that body are absolutely indispensable to the existence of any system of administration; and although the House should repudiate the claim set up by another colony, that the Executive Council ought at all times to be subject to removal on an address for that purpose, from the popular branch of the government, yet they should view the present case as one unprecedented in the annals of colonial history, and which peculiarly calls for the interposition of his Majesty's Government.

5. Resolved, as the opinion of this committee, that independently of other considerations, the great powers vested in the Executive Council for the expenditure of public monies, under the 4th section of the Act for the support of the civil government, make it incompatible for the commissioner of Crown lands (under whose authority a large portion of such expenditure must arise), to hold a place in that body.

6. Resolved, as the opinion of this committee, that the foregoing resolutions should be brought under the consideration of his Majesty's Government, by an address from this House to his Excellency the Lieutenant-governor, praying that his Excellency will be pleased to transmit the same.

(signed) *Charles Simonds*, Speaker.

— No. 34. —

No. 34.

(No. 33.)

COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor
Sir John Harvey, K.C.B.

Sir,

Downing-street, 21 Sept. 1837.

I HAVE received your despatch, No. 23, of the 28th July last, enclosing a series of resolutions adopted by the House of Assembly of New Brunswick, relating to the composition of your Executive Council, and submitting a list of the names of seven gentlemen whom you consider fit to be added to that Board. In answer, I beg to acquaint you that I am happy to have it in my power to give proof of the confidence which I repose in your judgment, by submitting to The Queen, for Her Majesty's sanction, the list of candidates whom you have proposed for admission into the Executive Council. The requisite

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instruments for their appointment will be issued as soon as the necessary official forms can be completed.

I have, &c.
(signed) *Glenelg.*

No. 35.

(No. 39.)

— No. 35. —

EXTRACT of a DESPATCH from Lieutenant-Governor Sir *John Harvey*, K.C.B. to Lord *Glenelg*, dated Government-house, Fredericton, New Brunswick, 15 August 1837.

WITH regard to the immediate calling forward of any additional members to seats in the Executive Council, I do not conceal from your Lordship that it has been represented to me by two of the members of the present Council, Messrs Baillie and Odell, and that their suggestion is supported by the opinion of the attorney-general, (one moreover in which I have no doubt that Mr. Street solicitor-general and a member of the Council, would if present fully concur), that any provisional extension by me of the numbers of its members would not confer upon members so appointed a legal right to vote at that Board. But notwithstanding those suggestions and opinions, I have felt myself justified in having recourse to this measure by the following considerations, viz. :

1st. That the constitution of this Province has undergone such a virtual alteration by the passing of the Civil List Bill, as to render many of the provisions of the commission under which its government has hitherto been administered (that of the Governor-in-chief,) wholly inapplicable to the state of things now subsisting.

2d. That by the first number of your Lordship's despatch to Sir A. Campbell of the 5th September last, the proposition of Messrs. Crane and Wilmot, "that the Executive Council should, in compliance with the wishes of the Assembly, be at once enlarged," without waiting the further deliberation contemplated in your Lordship's despatch of 31st August, is fully conceded.

3d. That it has become the more immediate duty of the Executive Government to exercise a vigilant control and check upon the land granting department, a duty which renders it inexpedient, in my opinion, for two of the present members of the Council to form part of the committee of the Council, to which it appears to me proper to refer for examination and report, all applications for grants of land, licences to cut timber, &c. &c., thus reducing the numbers available for that duty to three, including the solicitor-general, whose frequent and long professional absences may also be considered as excluding him from a seat in a committee which ought to give its steady attention to the important interests intended to be committed to it.

4th. That I am of opinion that such a Board should be composed of individuals possessing the public confidence, and because I coincide in the opinion recently expressed by the popular branch of the Legislature, "that the majority of that Council not only does not possess that confidence, but is positively hostile to the principles of the late important arrangements," and,

5th. That by selecting three individuals from the list of candidates which has been sent forward by me to your Lordship, I believe myself to be acting in reasonable anticipation of your Lordship's sanction and concurrence ; and if any question of the legality of those gentlemen's votes or acts, (while provisional members of the Executive Council) be really involved, it would be at once set at rest by their mandamuses being made to bear the same date as those provisional appointments. I have accordingly the honour to request and to solicit that your lordship would be pleased to move Her Majesty The Queen to be graciously pleased to confirm the provisional appointments to seats in the Executive Council of this Province of the following gentlemen, who have been called by me to take their seats at that Board until her Majesty's pleasure is known, and who have accordingly this day taken the prescribed oaths, viz.

George Shore, esq. (a member of the Legislative Council.)
Charles Simonds, esq. (Speaker of the House of Assembly), and
Hugh Johnston, esq. (a member of the Assembly.)

In

In conclusion I would beg to refer your Lordship to the resolution of the House of Assembly of the 21st ultimo, (copy enclosed) and particularly to the second of those resolutions.

P.S.—With reference to Mr. Shore, who was a very useful member of the former Executive Council, previous to its disseverance, I beg to express my concurrence in the recommendation of Sir A. Campbell that Mr. Shore should be restored to his former rank at that Board.

(signed) *J. H.*

See Enclosure in
Sir John Harvey's
Despatch, 28 July
1837, p. 71.

— No. 36. —

No. 36.

(No. 34.)

EXTRACT of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor Sir *John Harvey*, K.C.B. dated 21 September 1837.

It remains that I should advert to your proceedings respecting the Executive Council, which you have noticed in connexion with the topics already mentioned.

I think that, under the circumstances of the case, you judged rightly in immediately availing yourself of the services of Messrs. Shaw, Simonds, and Johnston. It was evidently necessary that the Council should be immediately strengthened by their assistance. I concur, however, in the opinion, that, until the proposed alterations have been made in the commission under which you act, those gentlemen cannot strictly be regarded as executive councillors. The Queen in Council was pleased to make the necessary order yesterday for perfecting the Acts required for this purpose; they will be transmitted to you as soon as the official forms can be completed. Mr. Shore will, in deference to the concurrent opinion of Sir A. Campbell and yourself, be authorized by Her Majesty to resume that seniority in the Council which belonged to him under its ancient constitution.

— No. 37. —

No. 37.

(No. 43.)

COPY of a DESPATCH from Lieutenant-Governor Sir *John Harvey*, K.C.B. to Lord *Glenelg*.

Government House, Fredericton,
9 September 1837.

My Lord,

WITH a view to satisfy your Lordship that the provisional addition which I have made to the Executive Council of this Province is a measure highly acceptable to the country at large, I have selected one of the addresses which has been presented to me on this subject; it proceeds from the three counties immediately surrounding this place, and is most numerous and most respectably signed.

I have, &c.
(signed) *J. Harvey*.

Enclosure in No. 37.

Encl. in No. 37.

TO His Excellency Major-general Sir *John Harvey*, K.C.H. and C.B. Lieutenant-Governor and Commander-in-Chief of the Province of *New Brunswick*.

The humble Address of the undersigned Inhabitants of the Counties of York, Sunbury, and Carleton.

May it please your Excellency:

WE, Her Majesty's dutiful and loyal subjects, inhabitants of the counties of York, Sunbury, and Carleton, in Her Majesty's Province of New Brunswick, beg leave to present to your Excellency our deep and sincere regret at the demise of our Most Gracious Sovereign King William the Fourth, of blessed memory, a Sovereign justly endeared to all his subjects, and whose memory will be long and affectionately cherished.

We at the same time beg to unite most cordially with your Excellency in our congratulations on the accession of Her Most Gracious Majesty Queen Victoria to the Throne of Her ancestors, to whose person and government we feel the most ardent attachment; and we assure your Excellency, as Her representative, of our firm and unalterable determination to support Her Majesty, the constitution, and those enlightened principles of government in which the Province of New Brunswick has largely participated.

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NEW
BRUNSWICK.

We are all aware of the difficulties which beset your Excellency in assuming the government of this Province at a very important period in its history, and we deeply lament that the course pursued by a majority of your Excellency's official advisers should have been such as to have justly deprived them of the confidence and support of the country, and to have embarrassed your Excellency's government.

But we entertain an unshaken hope that your Excellency will continue fearlessly to discharge the high and important duties devolving upon you with that firmness which has hitherto characterized your Excellency's administration; and we hail with heartfelt satisfaction the long wished for addition which your Excellency has recently made to the Executive Council, a body which, when properly constituted, will doubtless cordially unite with your Excellency in developing the resources and promoting the peace and prosperity of this rising and valuable appendage of the British empire.

Fredericton, 9 September 1837.

No. 38.

— No. 38. —

(No. 48.)

COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-governor
Sir *John Harvey*, K. C. B.

Sir,

Downing-street, 31 October 1837.

WITH reference to my despatches, Nos. 33 and 34, of the 21st ultimo, I have the honour to transmit to you herewith Her Majesty's Letters Patent under the Great Seal of the United Kingdom, for increasing the number of the Executive Council of New Brunswick, together with additional instructions under the Royal Sign Manual, nominating the members of that Council.

I have, &c.
(signed) *Glenelg*.

Enclosure 1, in No. 38.

Encl. 1, in No. 38.

LETTERS PATENT.

WARRANT, authorizing the passing of Letters Patent under the Great Seal, for increasing the Number of the Executive Councillors in the Province of *New Brunswick*.

VICTORIA R.

OUR Will and Pleasure is, that you prepare a Bill for Our Royal Signature to pass the Great Seal of Our United Kingdom of Great Britain and Ireland, in the Words or to the effect following; viz.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to Our right trusty and right well-beloved cousin and councillor Archibald Earl of Gosford, Captain-general and Governor-in-chief in and over Our province of New Brunswick, greeting: Whereas his late Majesty King William the Fourth, did, by certain letters patent, bearing date at Westminster, the 6th day of July 1831, in the second year of his reign, nominate and appoint Major-general Matthew Lord Aylmer, to be Captain-general and Governor-in-chief in and over the aforesaid province of New Brunswick, and did in and by the said recited letters patent authorize and empower him the said Matthew Lord Aylmer to exercise and perform all and singular the powers and authorities therein contained by and with the advice and consent of the council of the said province: And whereas his said late Majesty did in and by certain other letters patent bearing date at Westminster, the 3d day of December 1832, in the third year of his reign, grant, provide, and declare that from thenceforth there should be within the said province of New Brunswick two distinct and separate councils, to be respectively called the Legislative Council and the Executive Council of the said province, and did further declare that all and every the powers and authorities in the said first recited letters patent contained, and thereby conferred on the Council therein mentioned, so far as respected the enactment of laws for the said province, should from the date of the said last recited letters patent be vested in the said Legislative Council, and that all other powers and authorities in the said first recited letters patent contained should from the date of the last recited letters patent become vested in the said Executive Council; and did further grant and declare that the said Executive Council, should consist of five members, and no more, and that three of such members should constitute and be a quorum of the said Executive Council: And whereas his said late Majesty did by certain other letters patent, bearing date at Westminster, the 1st day of July 1835, in the sixth year of his reign, constitute and appoint you the said Archibald Earl of Gosford to be Captain-general and Governor-in-chief in and over the said province of New Brunswick, and did thereby authorize you the said Archibald Earl of Gosford to do certain acts, and to exercise certain powers therein particularly mentioned, by and with the advice of the said Executive Council of the said province: And whereas we have deemed it expedient to revoke so much of the before recited letters patent of the 3d day of December 1832, as limits to five the number of executive councillors within the said province, and we have further deemed it expedient to abrogate and annul that restriction, and to revise the existing

list

list of the said executive councillors: Now know you, that We of Our especial grace, certain knowledge, and mere motion, have revoked and annulled, and by these presents do revoke and annul that part only of the said recited letters patent of the 3d day of December 1832, in so far as the same limits and restrains to five the number of the executive councillors of Our said province, and We do hereby abrogate and annul that restriction and limitation accordingly: And We do hereby appoint and declare that the Executive Council of Our said province shall hereafter consist of such and so many members as shall from time to time for that purpose be nominated and appointed by Us under Our Royal sign manual and signet, or as shall be provisionally appointed by you the said Archibald Earl of Gosford, or by the governor or officer for the time being administering the government of Our said province until Our pleasure therein shall be known: Provided always, that the total number of members of the said Executive Council resident within Our said province shall not at any time by any such provisional appointments be raised to a greater number in the whole than nine. And We do further direct and appoint that the members of the said Executive Council shall hold their places therein during Our pleasure, and not otherwise, and that any two or more of such members whose appointments shall be made by any one and the same instrument, shall between themselves take rank and precedence in the said Council according to the order in which their names shall be inserted in such instrument, and that in all other cases the members of the said Council shall take rank and precedence therein, according to the date and seniority of their respective appointments: And We do further declare Our pleasure to be that the senior member for the time being of Our said Council shall, in the absence of the governor or the officer for the time being administering the government of the said province, preside at all the deliberations thereof: and We do hereby revoke and annul all appointments of members of the said Executive Council heretofore made and now in force; and We declare Our will and pleasure to be that the several persons named for that purpose in Our instructions under Our Royal sign manual and signet accompanying these presents, shall be the first executive councillors of Our said province under these presents, and according to the constitution of the said Executive Council hereby established.

In witness, &c. Witness, &c.

And for so doing this shall be your warrant.

Given at Our Court at Windsor, this 3d day of October 1837, in the first year of Our Reign.

By Her Majesty's Command,

(signed) *Glenelg.*

To Our Attorney or Solicitor-general.

Enclosure 2, in No. 38.

Encl. 2, in No. 38.

ADDITIONAL INSTRUCTIONS to the Earl of *Gosford*, nominating the Members of the Executive Council, in the Province of *New Brunswick*.

VICTORIA R.

ADDITIONAL INSTRUCTIONS to Our Right Trusty and Right well-beloved Cousin and Councillor Archibald Earl of *Gosford*, Our Captain-general and Governor-in-Chief, in and over Our Province of *New Brunswick*; or, in his absence, to Our Lieutenant-governor, or the Officer administering the Government of the said Province for the time being. Given at Our Court at Brighton, the 30th Day of October 1837, in the First year of Our Reign.

WHEREAS by Our letters patent, under the great seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the 19th day of October 1837, We have signified Our will and pleasure that the Executive Council for Our province of New Brunswick should hereafter consist of such and so many members as should from time to time be for that purpose nominated and appointed by Us under Our Royal sign manual and signet, or as should be provisionally appointed in manner therein mentioned; and We have, by the said letters patent, declared Our will and pleasure to be, that the several persons named for that purpose in Our instructions under Our Royal sign manual and signet, accompanying the said letters patent, should be the first executive councillors of Our said province under the said letters patent, and according to the constitution of the said Executive Council thereby established: Now know you, that We, reposing especial trust and confidence in the wisdom, prudence and ability of Our trusty and well-beloved George Shore, Frederick P. Robinson, William Franklin Odell, John Simcoe Saunders, Charles Simonds, Hugh Johnston, William Crane, Neville Parker, A. E. Botsford, and Joseph Cunard, Esquires, do by these Our instructions, issued in pursuance of the said recited letters patent, constitute and appoint them the said George Shore, Frederic P. Robinson, William Franklin Odell, John Simcoe Saunders, Charles Simonds, Hugh Johnston, William Crane, Neville Parker, A. E. Botsford, and Joseph Cunard, to be Our executive councillors of Our said province of New Brunswick, and you are hereby authorized and required to summon them to Our said Executive Council accordingly.

NEW
BRUNSWICK.

No. 39.

— No. 39. —

(No. 57.)

COPY of a DESPATCH from Lieutenant-governor Sir *John Harvey*, K.C.B.
to Lord *Glenelg*.

Government House, Fredericton,
7 November 1837.

My Lord,

I DO not delay a single moment the grateful acknowledgment of the receipt of your Lordship's despatches, Nos. 33 to 37 inclusive, which, with one marked private, dated 22d September, have reached me this morning by way of New York.

Although I have never shrunk from the assumption of any degree of responsibility which a sense of public duty has at any time appeared to me to impose, yet, deeply impressed as I was with the extent of that responsibility in respect to the matters referred to in these despatches, a responsibility contracted upon my own almost unaided views, inasmuch as not only my official, but my legal advisers, were opposed to those views, your Lordship may more easily conceive than I am able to describe the degree of pleasure and of pride with which I have perused the despatches which it is now my grateful duty to acknowledge. The noble support which your Lordship has given me will place me in such a position with respect to the people of this Province as greatly to enlarge my powers of usefulness. It only remains for me to entreat your Lordship to do me the further favour of laying at the feet of Her Majesty The Queen the homage of my heartfelt gratitude for the cheering expression, so kindly conveyed to me by your Lordship, of Her Majesty's gracious approbation of my humble endeavours to promote the interests of Her Majesty's subjects and service in this Province.

I have, &c.

(signed) *J. Harvey.*

PRINCE EDWARD ISLAND.

— No. 1. —

(No. 76.)

No. 1.

COPY of a DESPATCH from Lieut.-governor Sir *A. W. Young* to the Right Hon. *E. G. Stanley*, M. P.

Sir,

Charlotte Town, 2 April 1834.

I HAVE the honour to transmit an address from the House of Assembly of this island, praying His Majesty to grant to this island a Legislative Council distinct from that of the Executive, to be composed of gentlemen possessing a knowledge of the wants and resources of the colony, and who hold no situation or office of emolument at the pleasure of the Crown, thereby placing it on an equal footing with the sister province of New Brunswick.

I have, &c.

(signed) *A. W. Young*, Lieut.-governor.

Enclosure in No. 1.

Enclosure in No. 1.

TO the King's most Excellent Majesty :

The humble Address of the House of Assembly of Prince Edward Island.

Most Gracious Sovereign,

WE Your Majesty's faithful subjects, the Commons of Prince Edward Island, in Colonial Parliament assembled, impressed with feelings of loyalty and devotion towards Your Majesty's royal person and Government, and being perfectly assured that Your Majesty is ever desirous to know the wants of your people, in order to exercise your royal beneficence in relieving them, beg leave most humbly to address Your Majesty on a subject with which the future welfare of this colony is intimately connected.

That the constitution of Your Majesty's Council in this island, composed as it is of nine gentlemen (six of whom hold situations of emolument at the pleasure of the Crown), who act both in a legislative and executive capacity, and one of whom, at least, is also the legal adviser of Your Majesty's representative, is considered incompatible with the freedom and independence of the second branch of the legislature; and that such extensive powers conferred on so few individuals, however trustworthy or respectable in society, are contrary to the spirit of the British constitution, is what the House of Assembly most humbly submit for Your Majesty's gracious consideration.

Relying with confidence on the paternal regard ever manifested by Your Majesty towards all classes of your loyal and devoted subjects, wherever resident, and Your Majesty's anxious desire to preserve in its greatest purity the true principles of the British constitution in all parts of your extensive dominions, the Assembly most humbly but earnestly pray Your Majesty to grant unto your faithful and attached people of this island a Legislative Council distinct from that of the Executive, to be composed of gentlemen possessing a knowledge of the wants and resources of the colony, and who hold no situation or office of emolument at the pleasure of the Crown; thereby placing them on an equal footing with the sister province of New Brunswick.

(signed) *Wm. M'Neill*, Speaker.

House of Assembly, Prince Edward Island,
25 March 1834.

— No. 2. —

(No. 7.)

No. 2.

COPY of a DESPATCH from the Right Honourable *T. Spring Rice* to Sir *A. W. Young*.

Sir,

Downing-street, 30 July 1834.

I have the honour to acknowledge the receipt of your despatch, No. 76, of the 2d April last, transmitting an address to His Majesty from the House of Assembly, praying the establishment of two distinct Councils in Prince Edward Island.

579.

You

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PRINCE
EDWARD
ISLAND.

You will acquaint the Assembly, at their next meeting, that their address has been received and laid at the foot of the Throne; but that, after the fullest deliberation which the subject could receive, I regret that I have not felt myself at liberty to advise His Majesty to accede to their request; you may at the same time point out to the Assembly an error under which they appear to labour, with respect to the composition of the Legislative Council in New Brunswick. From the concluding passage of their address it may be inferred, that they suppose all persons holding official situations to be necessarily excluded from that Council; which is not the case in point of fact, and which His Majesty's Government would deem most objectionable in principle.

I have, &c.
(signed) *T. Spring Rice.*

No. 3.

(No. 3.)

— No. 3. —

COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-governor
Sir C. A. FitzRoy.

Sir,

Downing-street, 13 May 1837.

As you are about to proceed to Prince Edward Island to assume the government, I think it right, before your departure, to call your attention to a subject which in the other North American Colonies has latterly engaged much of the public attention; I allude to the composition of the Legislative Council.

It has been stated in some of those colonies that the manner in which selections for the Legislative Council have been made has not been such as to engage for that body the public confidence; that these appointments have in general been too much confined to a particular class of persons, frequently connected together by family ties, and not possessing any essential stake in the welfare of the colony. In other instances it has been represented that a large portion of the members of the Council have been gentlemen holding appointments at the pleasure of the Crown, and therefore destitute of that independence of circumstances which is essential to the due performance of their functions. In all cases where complaints of this nature have been brought before His Majesty's Government, measures have been adopted by them for introducing into the Legislative Councils a greater number of independent gentlemen, on whose character and abilities the public might safely confide.

I am not able to say, on any official authority, whether in Prince Edward Island any ground exists for complaints similar to those which have been received from other quarters; but I beg to direct your early attention to the subject, in order that if any defects in the composition of the Council of that colony should appear to you to weaken that public confidence which ought to attach to it, you may furnish me as early as possible with a full report on the subject, in order that immediate steps may be taken for ascertaining in what manner this evil may be remedied.

I have, &c.
(signed) *Glenelg.*

No. 4.

— No. 4. —

EXTRACT of a DESPATCH from Lieut.-governor *Sir C. A. Fitzroy* to Lord *Glenelg*; dated Government House, Prince Edward Island, 16 March 1838.

At the request of the House of Assembly, I have the honour to transmit to your Lordship an address to The Queen on the structure of the council of this island, complaining of the limited number of its members, and the undue proportion holding office under the Government, and praying that Her Majesty will be pleased to grant to this colony a similar modification in the form of its local government to that which has recently taken place in Nova Scotia.

I also do myself the honour to transmit an address from the House of Assembly to myself, requesting my influence with your Lordship in furtherance of their object, and expressing the confidence they are pleased to repose in my administration of this government.

On my arrival in this colony I considered it one of my first duties to give this subject the most serious attention, both on account of the instructions I received before I left England in your Lordship's despatch of the 13th May (No. 3.), and also because I very soon became aware that an alteration in the construction of the

the Council was earnestly desired by the inhabitants, a desire which has been much increased by the changes which have recently taken place in the councils of the adjoining province of Nova Scotia.

Your Lordship will perceive that the address prays for "a separation of the Executive from the Legislative Council, and the introduction into those bodies of persons from the several parts of the country, representing its leading interests;" and it is my duty to state, that without this separation takes place, the wishes, not only of the House of Assembly, but of the colony at large, will be disappointed.

Should any changes be decided upon, the present would be the best time for carrying them into effect, as, according to the constitution of the colony, the present House of Assembly must be dissolved before the end of the current year; and that adhering as closely as circumstances will admit to the instructions given by your Lordship to Sir Colin Campbell for effecting the changes in the councils of Nova Scotia, and as the least invidious mode of carrying out the same principle in this colony, authority should be conveyed to me to dissolve the present Council, and to form an Executive and Legislative Council distinct from each other. I would propose that the Executive Council should consist of nine members, as at present; and that the number for the Legislative Council should be 12, in order to meet what appears to me to be the general wish, and with a view to its efficiency; that in forming the Executive Council, six of its present members (including Mr. Brecken, who is not connected with the Government) should be reappointed, and three selected from the House of Assembly; and that in forming the Legislative Council three of the members of the present Council, and officers of the Government, should be appointed to it, and the remaining nine selected according to the prayer of the address from the several parts of the colony, and representing its leading interests, without reference to any particular party or influence.

With regard to the Executive Council, I do not think it would be either advisable or practicable to form it without the number of government officers I have named; for setting aside the necessity that the Lieutenant-governor should be assisted by a sufficient number of heads of departments, and persons conversant with the business of the Government, your Lordship will readily understand that in a new country, where every individual has to gain a livelihood by his own exertions, although a sufficient number of persons may be found willing to give up their time gratuitously to the public during the usual period of the session of the Legislature in the more idle time of winter, yet few or none could afford to or would wish to be called upon to attend the sittings of the Executive Council which occur throughout the year; and this I conceive to be an additional reason for separating the Councils. I have proposed the three members from the House of Assembly, because it would be a great convenience to the government to have some members connected with it in that house who could explain its measures, or correct any mistakes or misunderstandings which might possibly arise, and much time would be saved which is now wasted by the dilatory process of message. I would also suggest to your Lordship, that I should be allowed to select these members after seeing the result of the next elections.

It is proper that I should state that the Council, up to 1836, consisted of 10 members, including the Bishop of Nova Scotia. In that year two vacancies occurred, only one of which was filled up; therefore I trust that nine for the Executive, and 12 for the Legislative Councils, will not be thought too great a number of members; particularly if the Royal Assent is given to the election law recently passed for increasing the representation in the House of Assembly, and which I shall have the honour of transmitting in a separate despatch by the present opportunity

The names of the members of the present Council are as follows:

E. J. Jarvis, Chief Justice.
Bishop of Nova Scotia.
George Wright, Surveyor-general.
Amb. Lane, Town-major.
T. H. Haviland, Treasurer.
Robert Hodgson, Attorney-general.
John S. Smith, Collector of Imposts.
George R. Goodman, Collector of Customs.
John Brecken.

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PRINCE
EDWARD
ISLAND.

Of these I would propose to omit in the Executive Council the Bishop of Nova Scotia, the town-major, and the collector of imposts.

In constructing the Legislative Council, I would retain,
The Treasurer.
The Attorney-general.
The Collector of Customs.
Mr. Brecken.

I have selected the three first, officers of the Government, both because I should find it difficult to form an efficient Legislative Council without them; and that possessing much general knowledge and local experience, and being men of independent principles, and much looked up to in the colony, I think their appointment would be generally acceptable.

I would at the same time request your Lordship to confer the same boon on the two gentlemen I propose to omit in both Councils as was bestowed on those under similar circumstances in Nova Scotia, by permitting them to retain their present rank and precedence in the colony.

Waiting your Lordship's further instructions on the subject of this despatch.

Encl. 1, in No. 4.

Enclosure 1, in No. 4.

To the Queen's Most Excellent Majesty.

May it please your Majesty,

WE, your Majesty's dutiful and loyal subjects the representatives of Prince Edward Island, in General Assembly convened, humbly beg to represent to Your Majesty that the structure of the council of this island, composed as it is of only eight persons who are, with one exception only, heads of departments holding office under the Government and exercise legislative, judicial, and executive functions, is defective in principle, at variance with the constitution of our common country, and by no means calculated to secure that confidence which the second branch of the Legislature ought to possess, nor to promote the true interests of the inhabitants of this colony.

The House of Assembly having observed with much satisfaction the ready attention and anxious desire graciously manifested by Your Majesty to meet the wishes and to conciliate the affections of the people of Nova Scotia, by granting them such alterations in the institutions of that province as its circumstances required, are thereby encouraged to hope that Your Majesty will be graciously pleased to grant to this colony a similar modification in the form of its local government, by a separation of its executive from the legislative council, and by the introduction into those bodies of persons from the several parts of the country representing the leading interests of this province, as will tend to confer on them a greater claim to the confidence of the community at large.

House of Assembly, 3 March 1838.

(signed) *Geo. Dalrymple,*
Speaker.

Encl. 2, in No. 4.

Enclosure 2, in No. 4.

To his Excellency Sir *Charles Augustus FitzRoy*, К.Н., Lieutenant-Governor and Commander-in-Chief in and over Her Majesty's Island *Prince Edward* and its Dependencies, Chancellor, Vice-Admiral, and Ordinary of the same, &c. &c. &c.

May it please your Excellency,

THE House of Assembly having prepared an address to Her Most gracious Majesty on the subject of the constitution and structure of the Executive and Legislative Councils of this island, respectfully request that your Excellency will take the earliest opportunity of forwarding the same, to be laid at the foot of the Throne. The House, fully relying on a continuance of that unceasing desire which your Excellency has hitherto on all occasions manifested to advance and promote the welfare of this colony, trust that your Excellency will add the weight of your personal influence to obtain the objects of their address; and should your Excellency be called on to carry into effect any changes which Her Majesty may be pleased to direct, the House of Assembly feel confident that the local knowledge which your Excellency has spared no pains to acquire of the various interests of the inhabitants of this island, will enable you to make such arrangements as will be best calculated to establish a responsibility in the institutions of the colony, and thereby confer a permanent and lasting benefit on all classes of the community.

House of Assembly, 3 March 1838.

(signed) *Geo. Dalrymple,*
Speaker.

— No. 5. —

PRINCE
EDWARD
ISLAND.

No. 5.

COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor
Sir *C. A. FitzRoy*.

Sir,

Downing-street, 4 May 1838.

I HAVE received and have laid before The Queen your despatch of the 10th March, marked separate, enclosing an address to Her Majesty, from the House of Assembly of Prince Edward Island, complaining of the present constitution of the Council, and praying, that in conformity with the course adopted on the same subject in Nova Scotia, the Executive may be separated from the Legislative Council, and that persons from the several parts of the country, and representing its leading interests may be appointed to those Boards.

Her Majesty has been graciously pleased to accede to the wishes of Her faithful subjects in Prince Edward Island, for a separation of the Executive and Legislative Council, and also to approve of your proposition, that the Executive Council should in the first instance consist of nine, and the Legislative Council of twelve members. The necessary instruments for effecting this change will be prepared as soon as you shall have furnished me with a list of the gentlemen who, in your opinion, are most proper to be appointed to the respective Boards.

In preparing that list, you will of course select those who from their character, their attainments, and their standing in society, appear to you most likely to command the public respect and confidence; and you will so govern your selection as to ensure as much as possible the presence in your Councils of members from all parts of the island, and representing its principal interests.

I observe that among those members of the present Council whom you propose to retain in the new Executive Council is the chief justice of the colony; this is inconsistent with the course pursued in the other North American provinces, and with the avowed policy of Her Majesty's Government on the subject.

Fully sensible of the assistance to be derived from the general knowledge and experience of the judges of the respective colonies, Her Majesty's Government have yet felt that this advantage is more than counterbalanced by the inconvenience of involving these officers in the discussion of party politics.

Accordingly, in the late reconstruction of the Councils in New Brunswick and Nova Scotia, and in the renewal, on the demise of the Crown, of the commission of the Governor of Newfoundland, the chief justices, and other judges of those colonies, have been omitted from the Councils; Her Majesty's Government propose to follow the same rule in Prince Edward's Island; but Mr. Jarvis will of course understand that the omission of his name from the list of councillors is unconnected with any reference to himself personally, but is made in deference to a general principle applicable to all the British colonies in North America. At the same time Her Majesty has been pleased to command that the chief justice and other members of the former Council who may be omitted in the new Boards, shall retain the precedence in society, and the titular distinction which they previously enjoyed.

You state that it would be a great convenience to the government to have some members connected with it in the House of Assembly who could explain its measures, and thus save the time now consumed by the dilatory process of message. Her Majesty's Government do not deny the advantage of introducing into the Executive Council some members of the Assembly, and there can be little doubt that if those members were authorised in the Assembly to explain the views of the government, some time might be saved: but there are other objections to such an arrangement, the most important of which you will find stated in the Third Report of the Canada Commissioners. It must therefore be considered as an imperative rule, notwithstanding the presence in the Legislative Council and Assembly of some members of the Executive Council, that all communications from the Governor to either of those houses should be made as now by message.

I have, &c.
(signed) *Glenelg*.

NEWFOUNDLAND.

— No. 1. —

NEWFOUND-
LAND.

(No. 15.)

COPY of a DESPATCH from Lord *Goderich* to Governor Sir *T. Cochrane*.

No. 1.

Sir,

Downing-street, 27 July 1832.

I HAVE the honour herewith to transmit to you His Majesty's Commission under the Great Seal, appointing you Governor of the Island of Newfoundland, together with your General Instructions under the Royal Sign Manual, referred to in that Commission.

As this is the first occasion on which provision has been made for convening a Legislative Assembly for the island of Newfoundland, the importance of that measure requires that I should not limit myself to the merely formal duty of placing you in possession of these instruments, but that I should shortly explain the grounds and the nature of the policy by which His Majesty's Councils on this subject have been directed.

It were superfluous at the present day to inquire into the wisdom of that system which was pursued for so many years towards the ancient colony under your government, the fundamental principle of which was to prevent the colonization of the island, and to render this kingdom the domicile of all persons engaged in the Newfoundland fisheries. The common interest or convenience of those persons virtually defeated the restrictions of the various statutes respecting them, long before Parliament admitted the necessity of repealing those laws. A colony gradually settled itself along the shores of the island, and has of late years assumed a rank of no inconsiderable importance amongst the foreign possessions of the British Crown; but notwithstanding the growing population and the wealth of Newfoundland, no plan has hitherto been adopted for regulating such of the internal affairs of the colonists as demanded the enactment of laws specially adapted to their peculiar situation. Parliament, indeed, contemplated the erection of corporate towns, with the power of making bye-laws, for remedying this inconvenience; but on attempting to carry this design into effect, unforeseen obstacles were encountered. It was found altogether impracticable to reconcile the contradictory wishes and recommendations of the parties who would have been more immediately affected by the measure; and it became evident that the boon which it was proposed to confer would be received by a great body of the inhabitants, not as an act of grace, but as an infringement of their rights, into whatever form the intended charters might have been thrown. The consequence was, that His Majesty became practically unable to execute the trust which Parliament had confided to him.

The necessity of some provision for regulating the internal concerns of Newfoundland by enactments adapted to the peculiarities of their local position became however daily more and more evident. Carrying with them from this kingdom the law of England, as the only code by which the rights and duties of the people in their relations to each other, and in their relation to the State, could be ascertained, it was obvious, as soon as the colony began to assume a settled form, that the adaptation of that code to the various exigencies of the local society was a task demanding the exercise of much reflection and caution; that many of its provisions were entirely inapplicable to the wants of a population so peculiarly situated; and that many more could be applied only by a distant and uncertain approach to the original standard. Hence it occurred that, in the administration of the law, the judges virtually assumed to themselves functions rather legislative than judicial; and undertook to determine not so much what the law actually was, as what, in the condition of Newfoundland, it ought to be. For this assumption of power no censure attaches to those learned persons; without any positive rule of decision, nothing remained for them but to engage in such an inquiry; yet the practical inconvenience was not the less urgent, nor the anomaly the less glaring.

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It was not, however, merely in the absence of rules, which this latitude of judicial interpretation might supply, that the public detriment was sustained; there were still wanting other regulations, which no judge could either invent or enforce. Especially in whatever related to police and internal improvements, demanding the co-operation of different persons, nothing could be carried into effect, which any individual found an adequate reason for opposing, or which he opposed from mere caprice. I find that in a matter so trifling in appearance, and yet affecting the comforts of so many, as the prevention of domestic animals wandering at large through the country, an earnest application was made to His Majesty's Government to obtain an Act of Parliament for the redress of the grievance endured by the colonists. Although it was thought improper to encumber the British statute-book with such provisions, yet it was fully admitted that they could be supplied by no other authority; and the application itself forcibly illustrated the inconvenience of so remote a society being destitute of any local Legislature.

It may seem, however, superfluous to accumulate reasons in proof of the propriety of establishing in Newfoundland that form of constitution which generally prevails throughout the British Transatlantic colonies; the difficulty would consist rather in finding valid arguments for withholding it. The reasonable presumption seems to be, that a system of colonial government which has been attended with so many advantages in British North America, would produce similar benefits at Newfoundland, if transferred to that settlement. I do not indeed mean to deny that some considerable inconvenience has occasionally resulted from the adoption, in those dependencies of Great Britain, of constitutions modelled into a miniature resemblance of our own; but I know not what is the system of which the same might not be truly asserted. It is sufficient to say of the scheme of internal polity in force in Nova Scotia and New Brunswick, that in all the colonies to which it has been extended, it has invariably secured the attachment of the people, by giving them a large share in the management of their own affairs; by affording an open field for the free exercise of talents and public spirit; by providing honourable ambition with a legitimate object and reward; by insuring immediate and careful attention to the various exigencies of society; and by promoting a frugal and judicious administration of public affairs. With the single exception of those colonies in which the people are separated from each other by distinctions analogous to those of caste, representative Assemblies are not only recommended by abstract considerations drawn from the genius and principles of our own Government, but by a long course of experiments pursued under a great variety of circumstances, but still leading to the same general result.

In advising His Majesty to convene an Assembly from among the inhabitants of Newfoundland, I have therefore not yielded myself to the guidance of any improved theory, but have simply extended to another of the colonial possessions of the Crown principles which have been elsewhere brought to the test of repeated and successful experiment. Yet I do not conceal from myself nor wish to deny, that the duty which you will have to perform will be attended with some difficulty, and that you will have large scope for the exercise of circumspection and industry. In the first execution of such a design, many questions will probably arise which it were impossible to anticipate distinctly. From the novelty of the duties cast upon them, and from their inexperience in civil business of that nature, I can foresee that the returning officers, the voters, and the members of Assembly, may all in some instances misapprehend the functions which they will have to discharge, or the proper mode of proceeding for the methodical and accurate discharge of them. Cautiously abstaining from the appearance of usurping any undue authority over matters properly falling within the cognizance of the Assembly, you will yet be prompt to afford to all parties whatever counsel or assistance you can render them, to obviate difficulties of this nature. It cannot be made too apparent that the boon which has been granted is seconded by the cordial goodwill and co-operation of the Executive Government, and that the House of Assembly is regarded, not as a rival power, but as a body destined to co-operate with yourself in advancing the prosperity of the settlement.

For your own guidance it may be right to observe, that colonial assemblies, as they derive their general form from the model of the British House of Commons, so they have drawn their rules and system of procedure from the same source. The distinctions are of course both numerous and important, and grow

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out of the dissimilarity of the circumstances of the representative bodies of a small colony and of an extensive kingdom; but in general the analogy is maintained, and therefore the laws and rules of Parliament, as modified by the exigencies of the case, may be taken as the safest guide for the conduct of the Council and Assembly, and for your own proceedings towards them.

As soon as conveniently may be after your arrival in Newfoundland, you will convene the Council, according to your general instructions, and arrange with them the whole course of proceedings to be adopted for giving effect to so much of those instructions as relate to the convoking the Assembly. Especially you will consider the proper forms of the writs to be addressed to the returning officers, the proper places for holding elections, the most convenient times at which they can take place, the necessary arrangements for the reception and accommodation of the legislative body at the town of St. John's, the most convenient method of opening the first session of the General Assembly with appropriate and decorous solemnities; and, above all, the topics to which their attention should in the first instance be directed.

In conformity with the precedents in use on similar occasions, a proclamation has been approved, declaratory of the future system of government to be observed in the colony. This proclamation you will cause to be circulated in the most public manner as soon as conveniently may be after your arrival.

It has for the present divided the country into electoral districts, and has determined the number of members who are to be returned for each. These, however, are topics on which it is very probable that the information I have been able to acquire in this kingdom may be erroneous or defective. Any other division of the country which may be more generally convenient, and any other arrangement of the number of representatives for different districts, which the Council and Assembly may deem more advantageous, will be the fit subject of legislative enactment. No change in the constitution of the House, or in the total number of members, can however be effected, except with His Majesty's previous approbation, and in the manner indicated in your general instructions.

In accordance with the uniform course of precedents, your Commission constitutes a Council which will participate with the Assembly in the enactment of laws. It is not, however, to be denied that this part of the established system of colonial legislation has been practically found to be attended with some serious difficulties. The members of Council, deriving their authority from the Royal Commission, have not seldom been regarded with jealousy and distrust by the great body of the people. Their elevation in rank and authority has but too often failed to induce a corresponding degree of public respect. Even the most judicious exercise of their powers has occasionally worn the semblance of harshness when opposed to the unanimous or the predominant opinions of those to whom the colonists looked with confidence as their representatives. The Councils, it must be confessed, have not uniformly exerted themselves to repel or to abate this prejudice. The acrimony engendered by such disputes has sometimes given occasion to an eager assertion of extreme rights on the part of the Council, and to a no less determined denial of their necessary and constitutional privileges on the part of the Assembly. The Councils have also been employed as instruments for relieving Governors from the responsibility they ought to have borne for their rejection of measures which have been proposed by the other branch of the Legislature; and have not seldom involved them in dissensions which it would have been more judicious to decline. Some of the principal inhabitants of the colony, as well as the chief officers of the local Government, being usually members of the Council, are removed from the prospect of obtaining seats in the House of Assembly. Even in colonies in which there is a larger society, and a greater number of proper persons to become members of the Legislature than in Newfoundland, considerable inconvenience has been found to result from raising to the rank of councillors the leading members of the Assembly, and thereby losing their services in that body. The want of any member competent to explain or vindicate the course pursued by the executive authorities has been still more severely felt: measures have not unfrequently been misunderstood, and it has happened that a trifling misconception, which a few words of timely explanation would have removed, has grown into a serious and embarrassing controversy. The effect of the institution, therefore, is too often to induce a collision between the different branches of the Legislature, to exempt the Governor from a due sense of responsibility, and to deprive the representative body of some of its most useful

ful members. Yet the compensation which might atone for these evils is not obtained, and the Council does not assume in the colony a position, or an influence analogous to that of the House of Peers, because entirely destitute of that hold on public opinion which the property and independence of its members, as well as the antiquity of the institution itself, confers upon the peerage of this country.

Adverting to these considerations, and to the legislative history of the British North American and West Indian colonies; I should regard with satisfaction any arrangement which should consolidate the Council and the Assembly into a single House, in which the representatives of the people would be met by the official servants of the Crown. An example of this form of government exists in British Guiana, and is found to possess in practice many of the advantages which it promises in theory, by casting upon the Governor an undivided responsibility as often as he adopts or rejects the proposals of the legislative body, and by securing to them all the information and assistance which can be rendered by members officially conversant with the various subjects brought under their consideration. This, however, is a system which prevailed in Guiana before the conquest of that settlement by Great Britain, and which, I apprehend, His Majesty could not establish by the exercise of his prerogative in Newfoundland. If, however, the Council and Assembly, as established by your Commission and instructions, should concur in the view which I have taken of this subject, and should be disposed to pass a Bill for uniting the two Houses, with a clause suspending the operation of the law, for the signification of His Majesty's pleasure, you will, on His Majesty's behalf, assent to any such Bill. Should the design be entertained, I think that the colonial secretary, the attorney-general and the chief officer of customs would be the most proper persons to hold seats in the Assembly, by virtue of their official situations: they would be enabled to explain the views of the Executive Government upon the principal points which could be brought under the consideration of the Legislature; and the introduction of so small a number as three gentlemen nominated by the Crown could not be supposed in any degree to control its deliberations. Upon this point it is only necessary to add, that the Bill should be so framed, as, in depriving the Council of its legislative functions, to allow of its continuance as a body to which the Governor might resort for advice during the intervals between the sessions of the Legislature, and upon other occasions when it might be convenient to him to do so; for this purpose, however, a numerous body is not required, and I have, therefore, at present only recommended to His Majesty one gentleman, not holding any official situation, for a seat in the Council. The gentleman whom I have selected is Colonel Haly, who has been strongly recommended by yourself, and to whom a dormant commission will be granted, authorizing him to assume the government of the colony in the event of your absence, in order that the regular discharge of the duties of the subordinate officers may not be interrupted by their being called upon to assume the temporary administration of the government.

In contemplation of the change which has been effected in the internal government of the colony, it was resolved to apply to Parliament to continue in force the Acts by which the celebration of marriages, the administration of justice, and the conduct of the fisheries are regulated. Bills are now pending for that purpose, and will, I trust, be shortly passed into law. The Marriage and the Administration of Justice Acts, being matters exclusively of local concern, will remain in force until the local Legislature shall see fit to repeal or to alter them. If the Council and Assembly should think that any change is requisite on either of these topics, the remedy will therefore be in their own hands. The Newfoundland Fisheries Act affects interests partly local, and partly co-extensive with the trade and navigation of the empire at large. It will therefore be continued in force for two years. Before the expiration of that time it will be fit that the local Legislature should be invited to consider the subject in all its bearings. So much of that statute as relates to the navigation and commerce of this kingdom may then be revised by Parliament, with the benefit of the assistance to be anticipated from the labours of the Council and Assembly; so much, on the other hand, of the statute as refers to interests properly local may then also be remitted to the local Legislature for their decision.

By one of the two Bills to which I have referred, provision is made for transferring to the Governor, Council and Assembly of Newfoundland the appropriation to the public service of the island of all money levied there under any Parliamentary authority. From his existing revenues His Majesty has reserved
nothing

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nothing for his own unqualified disposal, but has placed the whole under the control of the local Legislature, with the exception of a sum which must be applied for the support of the Governor, the judges, the colonial secretary and the attorney-general. This arrangement will, I trust, effectually obviate the difficulties which have been so sensibly felt in other colonies, and satisfy the inhabitants of His Majesty's fixed purpose and earnest solicitude to promote to the utmost of his power a wise economy in the expenditure of the public revenue, and to respect the constitutional rights of the popular branch of the local Legislature.

You will observe that the expense of collecting this branch of the revenue is to be deducted from its gross proceeds, and that these arrangements do not embrace any part of that revenue which accrues to the Crown in virtue of His Majesty's prerogatives. Such, for example, are the rents or the proceeds of the sales of Crown lands, escheats, fines and forfeitures. His Majesty is, however, graciously pleased to authorize you to assure the Council and Assembly that whatever money may accrue to the Crown in the island will always be applied towards the expense of the civil or military government, or towards objects strictly and exclusively local.

I hope shortly to convey to you the authority of the Lords Commissioners of the Treasury for the apportionment of that part of the Parliamentary duties which will be applicable to the support of the public officers already enumerated.

I have, &c.
(signed) *Goderich.*

No. 2.

— No. 2. —

(No. 8.)

(C.)

CORP of a DESPATCH from Governor Sir *T. Cochrane* to Viscount *Goderich*.

My Lord,

Newfoundland, St. John's, 13 Feb. 1833.

As soon as the two branches of the Legislature had made their preliminary arrangements, and were prepared to enter upon business, I transmitted each a copy of your despatch of 27th July last, No. 15, the main object of which was to recommend to their adoption the amalgamation of the two Houses into one body.

This document was laid before the Assembly on the 9th January, and on the following day the House waited on me with their reply to that part of it containing the suggestion before mentioned, a copy of which is annexed, and by which your Lordship will perceive they have at once rejected the recommendation.

Between the period of my return to this Government and the opening of the colonial Parliament, I availed myself of every favourable opportunity to draw the attention of the influential part of the community to the important subject that would attract the early consideration of the Legislature, and the advantages your Lordship anticipated from the union it suggested; and although I was apprehensive that the plan did not meet with general approbation, I certainly was not prepared for the prompt and unhesitating negative which has been given to it; for from all I can learn the question scarcely went through the form of a discussion, having been disposed of on the same afternoon it was submitted to them.

It is not the least singular circumstance attending the general disapprobation the measure of amalgamation has met with, that while all come to the same conclusion, many do so upon diametrically opposite grounds. Those who are considered here as being democratic in their principles reject the measure, because they apprehend that the infusion of officers of the executive government into their Assembly will ultimately give them such an ascendancy over its members, by their superior knowledge and acquirements, as to control their proceedings; while another party, who claim to be more constitutional in their views, are strenuous in their opposition, and maintain that to abolish the Council and place some of its members in the Assembly, would be to establish a democracy, as the voices of the few officers of Government thus introduced, would be at all times borne down by the representatives of the people, who

would not fail to array themselves against those whom they would consider as having no community of interest or feeling with them.

Between the two parties, however inaccurate their conclusions may be, I fear there is not the least prospect of effecting the object your Lordship contemplated; and perhaps your Lordship will think the time arrived for the consideration of the establishment of a permanent Council, as I conclude the existing one has been viewed by your Lordship only as provisional, until the result of your suggestion should be known; indeed the Council, as at present constituted, is at variance with the 63d clause of the Royal Instructions, by which your Lordship will perceive there are many powers which the councillor administering the government in the absence of the Governor cannot execute without the consent of seven, whereas six is the present extent of that body; and it certainly will be very desirable that a few of the principal inhabitants be added to it, to give weight to its proceedings, particularly on any point where the Council may feel it to be its duty to refuse assent to some measure advocated by the Assembly.

I think, making allowance for absentees, that the Legislative Council should not consist of less than 9 or 10, of whom four or five should be selected from the principal inhabitants; and I feel it would be an advantage if the Governor be allowed to have an Executive Council, consisting of the senior member and the officers of Government of the legislative body; for it has always appeared to me an anomaly that the Governor should have to consult upon the propriety of some measure, on which he may entertain considerable doubt as to its expediency, the identically same persons who have already in another place disposed of the question. Indeed, I would further suggest that he may be permitted to call to the Executive Council, either one or two other persons unconnected with either House; such for instance as the High Sheriff, who is always an important person in the colony, and some other individual who, from his station or talent, may be calculated for the situation, but who does not choose to meddle with the politics of the island.

It is, I am aware, the practice in many colonies for the chief judge to be the senior member of the Council; but I believe I am supported by many persons well versed in colonial affairs, in the opinion that it is not advisable he should form a part of any political body; in the first place, it interferes very much with his other important duties; and secondly, the conduct it may lead him to observe in his political capacity, is apt to bring him into collision with the inhabitants, to whom it affords an opening to ascribe improper motives to his conduct on the Bench when it may be at variance with their prejudices and views; and your Lordship will agree with me, that it is of particular importance in a colony, where, unlike the mother country, the judge is personally known to, and more or less brought into contact with the people, that he should stand entirely aloof from every thing but his own particular duties; and I have every reason to believe the present chief judge is of the same opinion. It would, however, be desirable that the Governor may be empowered from time to time to call the chief judge to the Executive Council when any question of law becomes a subject of consideration.

Should your Lordship approve of the suggestions I have had the honour to throw out, the names in the margin are those which I should propose to add to the Legislative Council, which will then be composed of the gentlemen named in the accompanying schedule, of whom I have placed Colonel Haly as senior member, in consequence of his being the oldest landed proprietor in the colony, and who, being entirely free from other engagements, can with more convenience than a government officer devote himself to the constant attendance at the Council required of its senior member.

I have, &c.
(signed) *Thos. Cochrane.*

J. Dunscombe,
W. Thomas,
J. B. Garland,
C. F. Bennett,
J. B. Bland, esqrs.

Enclosure 1, in No. 2.

SCHEDULE :

Colonel William Haly, senior member.
The Commandant of the Troops.
The Attorney-general.
The Colonial Secretary.
The Collector of the Customs.

John Dunscombe,
William Thomas,
J. Bingley Garland,
Charles F. Bennett, and
John B. Bland, Esquires.

Encl. 1, in No. 2

88 CORRESPONDENCE RESPECTING THE GOVERNMENT OF

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Enclosure 2, in No. 2.

Encl. 2, in No. 2. To His Excellency Sir *Thomas John Cochrane*, Knight, Governor and Commander-in-chief in and over the Island of *Newfoundland* and its Dependencies, &c.

The humble Address of the House of Representatives in General Assembly.

May it please Your Excellency.

YOUR Excellency having been pleased to lay before the House of Assembly a copy of a letter from Viscount Goderich, His Majesty's Principal Secretary of State for the Colonies, dated the 27th day of July 1832, and the attention of the House having been called to that part of the letter which proposes to amalgamate the Legislative Council with the House of Assembly, the House beg leave to state to your Excellency, that having taken the matter into their most serious consideration, they are unanimously of opinion that the measure recommended by the Right Honourable Secretary, not being in accordance with the principles of the British constitution, is in nowise applicable to the circumstances of this colony.

In the House of Assembly, 10 January 1833.

Then passed in the House of Assembly.

(signed) *J. Bingley Garland*, Speaker.

No. 3.

— No. 3. —

(No. 12.)

COPY of a DESPATCH from Governor Sir *T. Cochrane* to Viscount *Goderich*.

Newfoundland, St John's,
12 March 1833.

My Lord,

It is with extreme regret, that in so short a period after the introduction of the new form of government into this island, (and of which I had indulged the hope it would have been in my power soon to have reported favourably of its operation), I find myself under the necessity of communicating to you a sudden and unexpected check that has been given to its proceedings.

From the first opening of the Session, the House of Assembly have been unremitting in their attention to their duty, and with the exception of some trifling occasional ebullition of feeling incident to the first acquisition of power, the proceedings of the House have been marked by a decorum and propriety, as well as a real anxiety to exert themselves for the good of the community, which reflect much credit on so young a body.

Having communicated to them that it would be necessary that they should provide for their own expenses after the 1st of April, and furnished them with an estimate of the probable amount for the current year, they entered upon the consideration of their ways and means, and prepared and passed a Bill laying a duty on wines and spirituous liquors, being the most judicious and least burthensome tax they could impose. This Bill was sent to the Council, and I was not a little surprised to learn from the colonial secretary that there was a probability it would be thrown out.

It may be proper here to acquaint your Lordship, that on the first opening of the session, with the view to facilitate the public business, and that each branch of the Legislature might be aware of my power in assenting to, and, by consequence, their own in enacting Bills, I sent to each a copy of my instructions bearing on that point; and a reference to your Lordship's despatch to me of the 27th July last, No. 16, will bring to your remembrance that a clause prohibiting the taxation of British trade was omitted from my instructions, expressly to remove any doubt its insertion might give rise to; notwithstanding these instructions were in many points obsolete, and more or less deviated from in every colony.

Immediately on being made aware of the proceeding likely to take place in the Council, I read to the colonial secretary your clear and explicit reply to that part of my letter of the 20th of July last, on the subject of import duties, that he might make what use he pleased of it at the Board; but notwithstanding his having communicated its purport, the president and the attorney-general threw out the Bill. My astonishment was the greater at the course these gentlemen had pursued, from its having been wholly unexpected; for although the

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Bill had been in progress for weeks, and its existence well known to every body, not a whisper ever reached me that any exception could or would be taken to it.

Your Lordship will readily imagine that the Assembly were much excited at the rejection of their Bill, and the community at large very indignant; and it was one of my first endeavours to avail myself of any influence I had over the leading men of that body, to moderate their feelings and induce them to maintain that decorum they had, in their discussions on the subject, hitherto observed; and I am happy to say they have on the whole met my expectations. Some few days after the Bill was rejected, the House waited on me with an Address, a copy of which, with my reply, I have the honour to annex.

It is of course out of my power to communicate to your Lordship a detail of the reasons assigned by the president of the Council and attorney-general for their opposition to the Bill, and the former is too tenacious of his privileges for me to think of asking for an account of what he stated in the Council; but the accompanying short report of his speech, I understand from several persons, contains the substance of what he said on the occasion. From the attorney-general I can only learn that he founds his opinion of the incompetency of the local Government to impose duties on articles already taxed by the Imperial Parliament upon general principles, supported by the 6 Geo. 4, c. 114.

If these gentlemen shall be found to have decided correctly, then every Assembly, Council and Governor in every colony will have been acting illegally for the last 100 years, and every Sovereign and Privy Council for the same period will have sanctioned and abetted such illegal acts; for I believe there is not a local legislature that does not impose import duties: and in contradiction to the statement made by Mr. Tucker, that in Nova Scotia they get rid of the difficulty by putting the duties on as an excise, I have now before me the Journal of the Proceedings of the Assembly of that province for the year 1830, in which I not only find they impose duties of excise upon home made articles, and duties upon imports to a large amount, but that in a Council held by His Majesty on the 1st November 1830, of 47 Bills, passed in 1829, and submitted for approval from that province, one is intituled "An Act to alter and continue the Acts now in force to provide for the support of His Majesty's Government in this Province, and for promoting its Agriculture, Commerce and Fisheries, by granting Duties of Import on Wines, Brandy, Gin, Rum and other distilled Spirituous Liquors, Molasses, Coffee, and Brown Sugar;" and another intituled "An Act for the further Increase of the Revenue by imposing a Duty upon Articles Imported from Foreign Countries;" and again in the same Council was submitted one passed in 1828, "An Act intituled an Act to alter and continue the Acts now in force to provide for the Support of His Majesty's Government in this Province, and for promoting its Agriculture, Commerce and Fisheries, by granting Duties of Import on Wine, Brandy, Gin, Rum and other distilled Spirituous Liquors, Molasses, Coffee, and Brown Sugar." All which Acts were confirmed by His Majesty in Council, after having undergone the ordeal of being reviewed by the Lords of the Committee appointed for the consideration of all matters relating to trade and foreign plantations.

Now, my Lord, I think, with such evidence before them, both the president and the attorney-general ought to have had some diffidence of their judgment before they persisted in a measure which has thrown the colony into confusion, and have been satisfied with entering a protest or have referred the question home for their guidance in a future year. Still, if they were fixed in their opinions, although erroneous, and conscientiously considered their duty and the enactment of that Bill at variance, however their decision might be regretted, it would scarcely expose them to censure. But your Lordship will perceive, from a perusal of the report of his speech (the authenticity of which I have no doubt), that Mr. Tucker did not confine himself to the measure before the Board, but commented upon the wisdom of granting that constitution His Majesty had extended to the colony; a line of conduct uncalled for, and which I cannot but view as reprehensible. As a government officer, whatever his impressions were, it was his duty, I conceive, to suppress them the moment the measure was decided on, and to give his countenance and best endeavours to its success; it was the rule I prescribed to myself, and I think ought to have been observed by every other public officer.

Mr. Tucker's refusal to assent to the Bill on the ground of expediency was little less objectionable; for, whether in his opinion the colony could or could not bear taxation,

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taxation, it was of little consequence: the people had asked for the local government with the express understanding that they were to maintain it themselves; their representatives had voluntarily and cheerfully imposed the tax, as being the most appropriate and least onerous; and with one exception (and that individual at the time absent from ill health) the Council was composed of Government officers who have no stake in the island, and therefore could not fairly object to the Bill on personal considerations. And as little to be commended is the threat the president held out, that, whatever the fate of the Bill might be with the Council, he would disregard it on the bench; and after having unnecessarily travelled out of his way in discussing the measure before him, Mr. Tucker cannot be surprised if the community have (however unjustly) taxed him with an intention of rendering abortive His Majesty's gracious intentions by the course he has pursued.

Your Lordship will readily feel the very peculiar position in which I now find myself. With the intention of closing my demands on the Treasury for the support of the island on the first of next month, (as from your instructions, and the 2d & 3d of Will., c. 78, I collect, I ought to do), I am precluded from calling upon the House of Assembly to provide means to meet the necessary expenditure, and I understand that after they shall have prepared a memorial to His Majesty, to be forwarded by the conveyance which takes this, that I shall be applied to by them to continue to carry on the financial department until the decision of His Majesty's Government shall be known. The body to whom I should naturally look for advice upon the present occasion is His Majesty's Council; but its conduct has been so decidedly at variance with my opinions, that it would be useless to consult it in the present emergency; which comes so fully within the view I have taken of the question of an Executive and Legislative Council in the communication I had the honour to address your Lordship on the 13th February, that I trust it will have some weight in the decision your Lordship may come to upon it.

In closing this despatch, I think it right to add, that the Assembly were desirous of passing their Revenue Bill with all expedition, knowing that vessels with a quantity of the articles intended to be taxed were daily expected, and there is every reason to believe that, in consequence of the failure of the Bill, the place will soon be overstocked with them, and the loss of at least one twelvemonth's revenue will probably result to the colony.

Your Lordship will readily believe that I shall be most anxious to receive your commands as to my future conduct in the anomalous position in which I am placed; and as vessels almost daily sail from Liverpool for this port after the first of next month, may I request your Lordship will be good enough to forward your despatch through the same channel as those communications you honoured me with in November last, by which means I shall be in possession of your wishes many weeks sooner than I could be through the usual channel of the North American mail.

I have, &c.
(signed) *Thos. Cochrane.*

Encl. in No. 3.

Enclosure in No. 3.

To his Excellency Sir *Thomas John Cochrane*, Knight, Governor and Commander-in-chief in and over the Island of *Newfoundland* and its Dependencies, &c. &c. &c.

May it please your Excellency,

WE the representatives of His Majesty's dutiful and loyal subjects the people of Newfoundland, beg leave at this time humbly to bring to the notice of your Excellency the circumstances of embarrassment in which this colony is placed owing to the rejection by the Legislative Council of the Bill lately passed in the House of Assembly, granting to His Majesty certain duties on all wines, and on all brandy, gin, rum, and other spirituous liquors imported into this island.

In the early part of the Session your Excellency was pleased to lay before us an estimate of the civil establishment, and also a statement of the sum necessary to be raised, in addition to the small amount of revenue at present at our disposal, for the purpose of defraying the charges of the civil establishment for the current year.

After having obtained, through application to your Excellency, those documents and that information requisite to enable us to judge of the necessity and propriety of the supplies to be voted, we did, in due time, take into our mature consideration the ways and means of raising such additional amount of revenue as would meet the public expenses of the

the Government; and in imposing the duties mentioned in the Bill for granting to His Majesty certain duties on all wine, and on all brandy, gin, rum, and other spirituous liquors imported into this island, we not only cautiously avoided interfering with the operation of such Acts of the Imperial Parliament for the regulation of the trade of the British possessions as are now in force, but we also exercised our best judgment in the selection of such articles as we considered legitimate objects of taxation, by imposing those duties upon articles of luxury, carefully abstaining from increasing the price of anything necessary for the support of the poor; and in framing the Bill, we had further in view the collection of the duties imposed by it at the least possible expense.

The Bill, after having passed through the regular stages in the Lower House without a dissentient voice, was subsequently sent to the Legislative Council for concurrence, but to our great surprise and astonishment was rejected by that body, on the ground that the Legislature of this colony does not possess the power of imposing duties upon any article imported into it, already subject to duty under any Act of the Imperial Parliament: and, if the arguments sought to be supported by the Legislative Council can be maintained, such is the nature of the commerce and the circumstances of the people of this island, that it would be impossible for us to raise the monies necessary for the support of the Government and for other public purposes; since, without the power of levying taxes upon articles imported into the island, there is not, in our opinion, any other mode by which a revenue, adequate to the wants of the colony, could be raised.

But notwithstanding the opinion of the Legislative Council to the contrary, manifested by the rejection of the Revenue Bill, we are decidedly of opinion, that we do not only possess the power of raising a revenue, by imposing duties upon the articles mentioned in the Bill which has been lost, but that, in the course which we have on this occasion pursued, we are borne out by the Acts of the Legislatures of the neighbouring colonies, which Acts have been from time to time confirmed and approved of by His Majesty in Council.

It is unnecessary for us to enumerate the evils that must arise from the occurrence of this unfortunate event, which is calculated to create a feeling of discontent and dissatisfaction in the minds of His Majesty's subjects in this colony; and we cannot but view with the deepest regret the conduct of the Legislative Council at this early stage of our proceedings, since, if the power of raising a revenue by the Bill which has been lost, and which they have denied to us, could not be exercised, the benefits which would have accrued to, and which His gracious Majesty intended to confer upon this island, by granting it a legislative constitution, would be lost, the public improvements which we have contemplated must be abandoned, and our endeavours otherwise to ameliorate the condition of the colony would be cramped and frustrated.

Under the present constitution of the Legislative Council, we have also to regret, that it required a majority of three-fourths of the members present to enable the Revenue Bill to be passed through that body; and we cannot but consider the course pursued by the Council as manifesting a feeling more calculated to check the early operations of the Assembly than to promote the best interests of the colony.

Under these circumstances, which we cannot too deeply lament, we deem it our duty to lay our situation before your Excellency, and we humbly request that your Excellency will be pleased to inform us whether you possess any power which will enable your Excellency to relieve us from our present embarrassment.

In the House of Assembly, 4 March 1833.

Then passed in the House of Assembly.

(signed) *J. Bingley Garland.*

Mr. Speaker, and Gentlemen of the House of Assembly,

It is with deep concern I learn from your Address that any circumstance has occurred to interrupt that perfect good understanding which it is so desirable should exist between the two branches of the Legislature, or that any proceedings on the part of the Council have been such as to lead you to apprehend that they will create feelings of discontent and dissatisfaction in the minds of His Majesty's subjects in this colony.

It is a further source of regret to me to be informed that the Council has felt called upon to refuse a Bill you deem of such importance to the island, and the rejection of which you consider will be injurious to its interests, and those benefits lost, which you had anticipated as the result of the constitution His Majesty had been graciously pleased to extend to this colony; a measure which I feel no doubt has been the source of no less concern to the Council than it has been productive of disappointment to you.

The Bill to which your address alludes not having reached me, I can form no opinion how far it is in accordance with the laws of the Imperial Parliament and the Royal Instructions; but the same desire which (with the view to facilitate the public business) led me in the commencement of the session to send to each branch of the Legislature a copy of that part of my instructions bearing upon this subject, now induces me to state, that on perusing the draft of these instructions, I observed a clause which, it appeared to me, tended to defeat the only means the colony possessed of raising an adequate revenue for the support of its government, that of a tax upon imports; and being most anxious that no obstacle should exist likely to impede the successful operation of the new constitution, I addressed His Majesty's Principal Secretary of State for the Colonies on this point, from whom I received the reply I now read to you.

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"On reference to your instructions you will perceive that the clause prohibiting the Governor from giving his assent to any tax affecting the trade or commerce of the mother country has been omitted. It is, therefore, only necessary for me to desire that you will not assent to any Act imposing discriminating duties on British produce, or taxes for other purposes than those of raising a revenue."

I have only further to acquaint you that, with the reservation above made, I shall have no hesitation in assenting to any Revenue Bill in which the two branches of the Legislature may agree, provided it be such as, in other respects, shall meet with my concurrence. But, under existing circumstances, as represented by you, I can only lament that I possess no power to relieve you from the embarrassment under which you state you at present labour.

No. 4.

(No. 13.)

— No. 4. —

COPY of a DESPATCH from Governor Sir *T. Cochrane* to Viscount *Goderich*.

Government-house, St. John's, Newfoundland,
14 March 1833.

My Lord,

I HAVE the honour to transmit the accompanying address to the King from the House of Assembly of this island, on the subject of the rejection by the Council of their Revenue Bill, on the grounds set forth therein, and to request your Lordship will be pleased to lay the same before His Majesty.

I have, &c.

(signed) *Thos. Cochrane*.

Enclosure in No. 4.

Enclosure in No. 4.

To the King's most Excellent Majesty.

The humble Address of the Representatives of Newfoundland, convened at St. John's in General Assembly.

May it please your Majesty,

WE the representatives of your Majesty's faithful Commons of Newfoundland, beg leave most respectfully to express on their behalf to our most gracious Sovereign the sincere attachment felt throughout this island for your Majesty's person and Government.

We also take this early opportunity of tendering to your Majesty, in the name of the inhabitants of this colony, our warmest gratitude for the gracious manner in which your Majesty has listened to the petitions of your dutiful and loyal subjects, and the interest manifested by your Majesty for their happiness and welfare, in granting to this the oldest of your foreign possessions a legislative constitution, similar to that enjoyed by your Majesty's neighbouring colonies. Convened at this time in our legislative capacity, our best endeavours have been and shall be used to ameliorate the condition of our constituents and of the colony at large, by the enactment of those local laws and ordinances, the want of which has been so long and severely felt.

In the early part of the Session his Excellency the Governor, with a view to facilitate the advancement of the public business, laid before us an estimate of the civil establishment of the colony, with a statement of the amount of revenue at present collected under Acts of the Imperial Parliament, and showing the sum yet necessary to be raised to meet the public expenses of the Government. Our attention was also directed to the adoption of some more satisfactory system of administering justice than that now in operation, to the encouragement of the fisheries and agriculture, and to the opening of a more safe and speedy communication between the different settlements of the island by means of roads, as objects of primary importance, and as best calculated to improve the condition of the poorer classes, rendered still more unfortunate by the total failure of the potatoe crop during the last season. For carrying these useful purposes into effect, but more particularly for defraying the charges of the civil establishment, we took into our consideration the ways and means of raising such amount of revenue as, in addition to the sum at present at our disposal, we considered would be required.

On a careful review of the resources of the colony, and the means of raising a revenue, which presented themselves to our minds, we deemed it a duty imperatively incumbent upon us not only to avoid direct taxation, in itself always odious, but carefully to abstain from levying taxes which would in any manner increase the price of articles necessarily consumed by the poor and that class of the hardy inhabitants of the island engaged in the fisheries. In accordance with these views we framed a Bill (a copy of which is hereunto annexed, and to which, for greater certainty, we humbly crave leave to refer your Majesty,) imposing duties on certain articles of luxury, the growth and production of foreign countries, and also a duty upon British spirits, which latter duty, by the operation of an Act of the Imperial

Parliament,

Parliament, passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to regulate the Trade of the British Possessions abroad," attaches to and is payable upon foreign spirits, thereby avoiding the imposition of any duty which might have the effect of a discriminating duty. In framing the Bill we had two main objects further in view, first, the necessity of cautiously avoiding any interference with the policy or operation of the Act of the Imperial Parliament above mentioned; and, secondly, the saving of the heavy expense of an excise establishment in the collection by the officers of the customs of the duties imposed in the Bill.

This Bill, after having passed through our branch of the Legislature without a dissentient voice, was in due form transmitted to the Legislative Council for their concurrence; but, to our great surprise and regret, was rejected by that body, for reasons which, if valid, not only deprive us of the power of raising a revenue adequate to the wants of the colony, but which would, in a great measure, destroy a right inherent in us as the representatives of a free people, that of taxing our constituents for the support of the Government.

The objection offered by the Legislative Council to this Bill, and which we are led to believe caused its rejection by that body, is, that the articles mentioned in the Bill having been already subjected to duty by the said Act of the Imperial Parliament for the regulation of the trade of the British possessions abroad, the Act of any colonial Legislature imposing additional duties on the same articles, is repugnant to the Imperial Act, and consequently of no force or effect.

Upon a careful review, however, of the Act of the Imperial Parliament in question, we are at a loss to discover anything therein on which the Legislative Council could have formed such an opinion, and we humbly submit that no part of the Bill which has passed through our branch of the Legislature is repugnant or in opposition to the said Act of Parliament for the following reasons: The Act of the Imperial Parliament in question was passed at the time the Government of the mother country wisely determined upon extending to your Majesty's colonies the privilege of prosecuting a direct trade with foreign countries, and the principal object of the Act, as its title expresses, was the regulation of the trade of the British possessions abroad, and the protection of British manufactures by the imposition of high rates of discriminating duty upon articles of foreign growth or production imported into the colonies. That it was the intention of the Imperial Parliament to levy taxes upon articles consumed in the colonies no further than was necessary for the regulation of trade, clearly appears from the 13th section of the Act, whereby the produce of the duties collected by means of it are directed to be placed under the control of the local Legislatures of the colonies respectively, thus confining the Act within the saving of the declaratory statute passed in the 18th year of the reign of his late Majesty King George the Third, concerning taxation by the Parliament of Great Britain in any of the colonies, provinces and plantations in North America and the West Indies. But we humbly conceive that there is nothing in any of the above-mentioned Acts of the Imperial Parliament which prevents the Legislatures of the colonies from raising a revenue by imposing duties upon articles of foreign growth or production imported into them, provided the same be not discriminating duties.

As a further reason that such could not have been the intention of your Majesty's Government, we would humbly refer your Majesty to an Act of the General Assembly of the Province of Nova Scotia, passed in the year of our Lord 1829, and intituled "An Act for the further Increase of the Revenue by imposing Duties on Articles imported from Foreign Countries," (a copy of which is hereto annexed), whereby certain duties are imposed upon various articles of foreign growth and production, expressly in addition to, and over and above the duties payable upon the same articles by the said Act of the Imperial Parliament for the regulation of the trade of the British possessions abroad. This Act of the Legislature of Nova Scotia we find was afterwards, on the 1st day of November 1830, approved of by your Majesty in Council.

That the Imperial Parliament has itself recognized the power of a colonial Legislature to impose additional duties upon articles already chargeable with duty by the said Act of Parliament for the regulation of the trade of the British possessions abroad, we would humbly call the attention of your Majesty to a statute of the Imperial Parliament passed in the 7th year of the reign of his late Majesty King George the Fourth, intituled "An Act to alter and amend the several Laws relating to the Customs," the 44th section of which recognizes and sanctions a duty imposed by the Legislature of Canada on spirits, in addition to the duty payable thereon under the said first-mentioned Act of Parliament.

But we deem it unnecessary to adduce further arguments in support of a position which admits of so little doubt, for indeed if the construction put upon the Acts of the Imperial Parliament by the Legislative Council could by any means be correct, the Legislature of this colony would be deprived of the power of raising a revenue by imposing duties upon articles of import, as no other means adequate to that purpose are within its power, and the numerous advantages which the colony would have derived from the constitution which your Majesty has been graciously pleased to confer upon it, would be thereby in a great measure lost.

It is to us matter of deep and serious regret that the Legislative Council should have felt itself called upon to reject a Bill, by which we contemplated raising funds at the least sufficient to provide for the support of the civil establishment for the current year. We would here also humbly bring to the notice of your Majesty, the limited number of the Legislative Council, and the fact that during the whole of the discussion on this important Bill, only four of the members of that body were present, who being equally divided upon the question, the Bill was consequently lost. Under the circumstances of embarrassment in

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which we were placed by the loss of the Bill, we made immediate application to his Excellency the Governor, and prayed that he would use such means as might be in his power, to relieve us from our difficulties; but although manifesting every disposition to facilitate the advancement of the public business, his Excellency did not consider that he possessed any power of removing the obstacle which had been opposed to the progress of our legislative labours.

Under these circumstances, which we deeply deplore, and convinced of the paternal care and solicitude of your Majesty for the happiness and welfare of your subjects in all parts of your dominions, we feel that there is no other course left us, than that of making our situation known to your Majesty, assured that it will receive your Majesty's earliest consideration, and that your Majesty will grant us such relief as the nature of our case may require. And since we have been prevented from availing ourselves of the only means by which we deem it prudent or practicable to raise a revenue, we have most humbly to claim the favourable consideration of your Majesty's Government in making provision for the support of the government of the colony for the present year.

In the House of Assembly, 11 March, A. D. 1833.—Then passed in the House of Assembly.

(signed) *J. Bingley Garland*, Speaker.

No. 5.

— No. 5. —

(No. 47.)

COPY of a DESPATCH from Governor Sir *T. Cochrane* to the Right Hon. *T. Spring Rice*.

Government House, St. John's, Newfoundland,
22 September 1834.

Sir,

DURING the two first sessions of the colonial Legislature the Council adhered in all respects to His Majesty's Instructions, and to the usages of the Councils in other colonies; but upon the third session taking place, I unexpectedly found that they had thought proper, first to alter the appellation of the senior member to that of "Speaker;" secondly, to change the quorum from three, as fixed by His Majesty's Instructions, to five; and thirdly, to make it essential that the Speaker should be one of it; and moreover, as I was further given to understand, to make the situation of Speaker elective. I could not but be extremely surprised that they should take upon them so unceremoniously to invade those Instructions to which they owed their existence; and perhaps it would have been the most correct mode of proceeding immediately to have noticed it; but feeling that those who introduced such innovations would in all probability be induced to adhere to them, I preferred allowing them to pass unobserved, and intended to confine myself to communicating the circumstance to you, for your instructions thereon; and I was about to have the honour to address you when it presented itself to me, that although I had a cognizance of what passed, it was not before me in that official and formal shape which might place my assertions, in some part of the detail, beyond contradiction; and to prevent the possibility of any mistake on my part, I directed the letter No. 1, to be addressed to the chief justice (who, arriving in the Colony between the second and third sessions, originated the change in question). In consequence of this answer (No. 2) the letter No. 3 was addressed to the attorney-general, and on receiving his reply (No. 4), a message, of which No. 5 is a copy, was transmitted to the Council, and to which its answer (No. 6) is attached:

I do not pretend to know what are the rights or privileges of the House of Peers with reference to answering any questions His Majesty may think proper to put to it, and on which I conclude the Council now take their stand; but if the latter mean to do more than claim those rights and privileges, so far as the analogy is maintained between their position and that of the Imperial Parliament, it appears to me quite inadmissible.

The House of Peers, I believe, hold whatever privileges they possess by prescriptive right, and not by an authority emanating from the Crown; and whether in the event of their doing anything so extraordinary as to alter their constitution, as well as the name or title of the individual presiding over them, they could also refuse to explain the nature of the transaction to His Majesty, is a point upon which I am neither capable, nor would it be proper in me, to offer an opinion; but with reference to the colonial Council, the case is altogether different; they owe their existence entirely to His Majesty's Instructions, and

No. 1.

No. 2.

No. 3.

No. 4.

No. 5.

No. 6.

and it certainly appears to me not only reasonable, but essential, that in the event of their being supposed to deviate from those Instructions, they should at least explain whether they have done so or not; and I consider that in the mere question of the change of title of the senior member, it would have been fully competent in me to have refused to recognize him by the appellation they have adopted. The Council having, however, declined to afford any explanation as to their proceedings, it remains for me to do so in the most accurate manner my information will permit.

It appears that on the opening of the third Session, Mr. Boulton offered certain rules and regulations for the guidance of the Council, and one of which is, "that four members with the Speaker shall constitute a quorum." He also informed the Council, that they might elect their Speaker, and that he was willing to submit to any choice they might make. But it is rather singular to say that I cannot, from the members of Council individually, ascertain whether they did actually elect a Speaker or not. From one I learn that no election took place; from another, that none actually but one virtually did; and from a third, that he considered an election had taken place; but the facts of the case I believe to lie between them, and that after Mr. Boulton had acquainted the Council with the extent of their right, and their not proceeding to elect any one else in conformity thereto, he took possession of the chair.

It is, however, of minor consequence whether they actually made an election or not, if they consider that power to be vested in them; and that they do so, or rather that Mr. Boulton, the proposer of these alterations, does so, I had from himself; as he explicitly stated to me, that had the House elected another person he would have yielded up the chair; which would go to establish a right exceeding that of the Assembly, who must first be directed to elect their Speaker, and then have him approved, before he can take the chair.

Having drawn your attention to what I consider a decided infringement of His Majesty's Instructions, and an unconstitutional act, even if in other respects an advisable one, I shall have the honour to explain to you the present inconvenience that arises from this arrangement.

By His Majesty's Instructions any three members of the Council, as therein named, can form a quorum, which we found, during the first and second sessions, to be a great convenience when circumstances, on many occasions, prevented the attendance of the senior member. Under the existing rule, however, should the Speaker be unwell, absent on a circuit, or elsewhere, it is impossible to proceed to business, because the Council have placed it out of their power, if they adhere to their own rules, to assemble without him. On stating this difficulty to the chief justice, he considered I might nominate one, as His Majesty would in the absence of the Speaker of the House of Peers; but this power I altogether disclaim, as there is not a vestige of such authority conferred on me by His Majesty's Instructions, consequently the services of the Council might be rendered altogether nugatory.

Having had the honour to lay before you the infringement, on the part of the Council, of the King's Instructions, and the inconvenience arising from it, I may observe that, considering that the Council has been increased to nine, it might possibly be advisable to add one or two to the quorum; nor do I conceive there is any objection; on the contrary, it may be very proper there should be a Speaker whose presence should be necessary on all ordinary occasions to conduct the proceedings; as, although it must be desirable that the public business shall not be obstructed by a continued absence on the part of the presiding member, it may be attended with some inconvenience to the general regularity of their proceedings to have frequent or daily changes of the presiding officer. But any alterations which may be deemed advisable in the constitution of this body must, I apprehend, originate with His Majesty, and be sanctioned by a similar instrument, and under the same forms, as those Instructions which I have the honour at present to hold from His Majesty for my regulation and guidance.

I have, &c.

(signed) *Thos. Cochrane.*

96 CORRESPONDENCE RESPECTING THE GOVERNMENT OF

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Enclosures in No. 5.

(No. 1.)

Secretary's Office, 29 Aug. 1834.

Enclosures in No. 5.

Sir,

THE Governor having observed, during the last session of the General Assembly, that the style or title of the member of the Council presiding over its deliberations had been altered to that of "Speaker of the Council," I am to request you will do me the favour to explain, for his Excellency's information, what circumstance has led to this alteration, and whether it is to be understood that it has arisen from the Speaker having been elected or chosen to that office, or whether it is merely an appellation to distinguish the senior member of the Council from the other members of that body.

The Honourable the Chief Justice.

I have, &c.
(signed) *Jas. Crowdy.*

(No. 2.)

St John's, Newfoundland, 29 August 1834.

Sir,

THE subject matter of your letter of this date having a reference solely to the privileges of that branch of the legislature to which I have the honour to belong, I do not feel myself warranted in offering any explanation upon the points, to which, for his Excellency's information, you have adverted.

The Honourable Mr. Secretary Crowdy.

I have, &c.
(signed) *H. J. Boulton.*

(No. 3.)

Secretary's Office, 30 August 1834.

Sir,

I AM directed by the Governor to transmit to you the accompanying copy of a letter from me to the chief justice, with his reply, and to request you will acquaint me with what you may deem the proper and regular course to pursue to attain the information desired.

The Honourable the Attorney-General.

I have, &c.
(signed) *Jas. Crowdy.*

(No. 4.)

Attorney-General's Office, 2 Sept. 1834.

Sir,

I BEG the honour to acknowledge the receipt of your letter of the 30th ultimo, together with copies of the correspondence therein referred to, relating to the alteration adopted in the proceedings of the Legislative Council in respect to the title of the presiding councillor, who is now styled Speaker instead of President, as heretofore, and requesting I will inform you what I may deem the proper and regular course to pursue, in order that his Excellency may be made acquainted with the cause of this alteration.

In answer to which inquiry I beg leave to state that if the journals of the Council do not yield the information required, I am not aware of any more proper method by means of which his Excellency may ascertain the matter than that of his Excellency sending a message requesting to be informed upon the point.

But it appears to me that such inquiry might raise a question of privilege, if such title of President or Speaker remain within the discretion of the Council to adopt at their election, since precedents are to be found in the legislative constitutions of the British colonies.

But if the style or title of the presiding member of the Council be predicated by His Majesty's Instructions relating to the institution of the General Assembly of this colony, any deviation from the style so fixed, may be, I conceive, noticed by his Excellency in the form of a message remonstrating against such deviation, if such alteration do not meet with the concurrence of his Excellency, and such proceeding would, I apprehend, lead to the explanation required.

The Hon. Mr. Secretary Crowdy.

I have, &c.
(signed) *James Simms.*

(No. 5.)

THE Governor having observed in the journals of the Council a rule of that body, which provides "that four members with the Speaker shall constitute a quorum," his Excellency is desirous of calling the attention of the Council to the circumstance of the rule in question being in opposition to that clause in the King's Instructions which fixed any three as the number of the quorum, and also of being acquainted, for His Majesty's information, whether the title of Speaker embraces anything more than another appellation for the senior member present.

Government House, 4 September 1834.

(signed) *Thos. Cochrane.*

(No. 6.)

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To His Excellency Sir *Thomas John Cochrane*, Knight, Governor and Commander-in-Chief, &c. &c. &c.

May it please your Excellency,

WE His Majesty's dutiful and loyal subjects, the Legislative Council of Newfoundland, in Parliament assembled, beg leave respectfully to state, in reference to your Excellency's message of Thursday the 4th instant, that under the full impression that your Excellency, in transmitting that message, had no intention of interfering with our privileges, we only deem it proper to acquaint your Excellency that among the necessary privileges incident to this House as a co-ordinate branch of the legislature of Newfoundland, that of freedom from all interrogation as to the reasons or motives which may have led this House to the adoption of any particular course of proceeding is undoubtedly one without which the independence of its character cannot be maintained or its functions efficiently discharged.

Legislative Council, 18 September 1834.

(signed) *H. J. Boulton*, Speaker.

— No. 6. —

(No. 6.)

No. 6.

COPY of a DESPATCH from the Right Hon. *T. Spring Rice* to Governor *Prescott*.

Sir,

Downing-street, 21 October 1834.

I HAVE received Sir *T. Cochrane's* despatch of the 22d ultimo, No. 47, respecting the pretensions advanced by the Council of Newfoundland acting in their legislative capacity. As the communications which took place between himself and that body were not designed to surmount any practical difficulty which had actually arisen in the administration of the Government, but rather to obviate certain latent and unavowed claims which it was supposed that the Council were about to advance, I am not convinced that the whole discussion might not with more prudence have been avoided. But when I advert to the Address to Sir *Thomas Cochrane* of the 16th September last, signed by Mr. *Boulton*, the chief justice of the colony, on behalf of the Council at large, I do not think that it would be possible, with propriety or safety, to pass unnoticed the principles which that Address either asserts or intimates.

The Council decline to answer the inquiries proposed to them by the Governor, on the ground that a freedom from all interrogations as to the motives of their proceedings, is amongst "the necessary privileges incident to this House as a co-ordinate branch of the Legislature." The Address bears the following subscription, "*J. H. Boulton, Speaker.*" It might perhaps seem frivolous to bestow much or any notice on the designations which the Board of Council thus assume for themselves, and for their President, were it not that those expressions are evidently employed in reference to the inquiries which they decline to answer, and as an indirect assertion of the rights of which they refuse, at the Governor's instance, to enter into any explanation. The context thus gives a significancy to the terms they have employed, which might otherwise be altogether wanting.

In the adoption of this language, as connected with the previous messages, may I presume be discerned the purpose of claiming for the Council, in their relations with the Governor of the colony, the privileges which belong to the upper House of Parliament, in the relation borne by their Lordships to His Majesty. Such an analogy, if not urged beyond those limits within which alone it can properly be maintained, may perhaps be admitted; if carried further, the pretension refutes itself by the consequences it involves.

It may not improbably be conjectured that the constant residence of Mr. *Boulton* in the province of Upper Canada until his transfer to the Bench of Newfoundland, may have induced that gentleman to form, and that his authority may have led others to adopt, views respecting the constitution of the Council, which, however accurate in reference to the Canadian constitution, are inapplicable to the form of civil government which for nearly two centuries has subsisted in the other Transatlantic possessions of the British Crown. The distinction between the office of the Legislative Councils of the Canadas, and that of the Councils of other colonies possessing General Assemblies, is however of too much importance to be overlooked.

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The Canadian Legislative Councils derive their origin from the constitutional Act of 1791. They were bodies formed in avowed imitation of the House of Peers. Their functions were to be exclusively Legislative, and as the seats were to be holden at least for the life of the members, so also provision was made for rendering their seats hereditary, and for connecting them with hereditary titles of honour. On the other hand, the Councils, as they now exist in Jamaica and the other British West India Islands, originated in Royal Commissions, of which that of the Government of Newfoundland is a literal transcript. These Councils were originally designed to fulfil no other function than that of advising the Governor as to the acceptance of laws passed by the House of Assembly, or upon any other question on which, in his administration of the Government, he might have occasion to consult them. The Governor himself was accustomed, until a period of no remote antiquity, to preside at all their deliberations, those connected with the enactment of laws not excepted. The modern though well established practice is, to observe the distinction between the meetings holden for deliberating on Legislative Acts, and those which are holden to advise the Governor when acting in his executive capacity. Still it is one and the same body performing two distinct duties, and not two distinct bodies, each charged with a separate function. The title of "Legislative Council," assumed by the Council of Newfoundland, is a designation to which they have no legitimate claim. They are simply the Board of Council, and, except by His Majesty's express sanction, the Governor cannot recognize them under any other appellation.

The practical importance of the distinctions to which I have been adverting is very considerable. The Canadian Legislative Councils enjoy, as incident to their peculiar character, the right of regulating by their own votes, whatever relates to their internal economy and proceedings. But at the Council Board at Newfoundland, as with the corresponding bodies in other colonies, there are certain internal regulations which it belongs to His Majesty to establish, and to vary at his pleasure. Thus, the King, by his Commission and Instructions to the Governor, has invariably determined what shall be the number of members, how many shall constitute a quorum, by what means seats shall be vacated, and on what member the precedency shall, on every different contingency, devolve. The claim to the title of "Speaker" which Mr. Boulton advances, is altogether inadmissible. By virtue of his office he is, under the King's Commission and Instructions, President of the Council, and nothing more. If it be really true that he claims to act as Speaker under any form of election, such a pretension is not only unfounded, but wholly at variance with the Parliamentary analogy urged in its support. There is no instance of an elected Speaker of the House of Peers. Again, if it be true that the Council have disregarded His Majesty's Instructions respecting the number requisite to form a quorum, and have established a new regulation for their own government in that respect, such a claim is plainly subversive of their own authority, as contradictory to the instrument on which alone that authority rests.

Should it appear desirable to the Council of Newfoundland that any variation should be made in the Royal Instructions which regulate either the proceedings of the Board, or the number of members constituting a quorum, an address to His Majesty praying that the necessary alterations may be made, is the legitimate mode of proceeding. This course you will not fail to recommend to them, and I shall be prepared to lay it at the foot of the Throne, humbly tendering to His Majesty the advice which circumstances may seem to require.

Amongst the duties of the Council, the punctual transmission of their journals through the Governor to His Majesty, is one of the most indisputable. You will, therefore, on the receipt of this despatch, convene a meeting of the Board of Council, and lay before them this communication, and you will intimate to them that His Majesty will expect a due observance of the instructions to which I have last adverted. You will further convey to them the expression of His Majesty's confident hope that those journals, when transmitted, will show that they have steadily adhered to the limits of their constitutional authority, and that the designations assumed in the address of the 18th of September, both for the Council itself, and for their president Mr. Boulton, were not intended as an affirmation of those claims which Sir T. Cochrane attributed to them, claims which it would be the duty of His Majesty to discountenance

discountenance and oppose, if unfortunately they should at any time be advanced by that body, without their having first obtained His Majesty's express sanction to such changes in the constitution of the colony.

I have, &c.

(signed) *T. Spring Rice.*

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— No. 7. —

No. 7.

(No. 10.)

COPY of a DESPATCH from Governor *Prescott* to the Earl of *Aberdeen*.

My Lord, Government House, Newfoundland, 7 April 1835.

I HAVE the honour to transmit herewith an address which has been presented to me by His Majesty's Council.

I have, &c.

(signed) *H. Prescott.*

Enclosure in No. 7.

Encl. in No. 7.

To His Excellency *Henry Prescott*, Esq., Companion of the most Honourable Military Order of the Bath, Governor, &c. &c. &c.

May it please Your Excellency,

WE, His Majesty's dutiful and loyal subjects the Council of Newfoundland in Parliament assembled, having taken into our consideration the despatch from the Right honourable the Secretary of State, dated the 21st October last, No. 6, which was laid before the Council by your Excellency, deem it a duty which we owe no less to His Majesty than to ourselves as a branch of the legislature of the island, to lay before your Excellency, for the information of His Majesty's Government, the following observations thereon.

The Secretary of State, in his despatch, points out four several instances, in which he states that we have departed from the Royal Instructions, and have exceeded the just limits of our constitutional authority, viz.

In assuming the title of "Legislative," when acting concurrently with the Assembly in legislating for the colony.

In the application of the term "Speaker" instead of that of "President" to our presiding member.

In changing the number of members required to form a quorum from three to five, and

In the refusal to answer, on the requisition of Sir Thomas Cochrane, certain interrogatories as to the motives of our proceedings in some particular instances.

The title "Legislative" was used by the Council in their journals from the first opening of the legislature, and so far from being objected to by the Governor, it was applied by Sir Thomas Cochrane in his first message transmitted to the Council after the opening of the legislature, and the same style was generally used by him in his subsequent messages during his administration of this government.

If, therefore, in the assumption of the title "Legislative" the Royal Instructions have been departed from and the limits of the Council's constitutional authority have been exceeded we must observe that it was an error into which not only the Council but the Governor also naturally fell from the character of the functions we were called upon to discharge.

In the substitution of the term "Speaker" for "President," the Council was influenced by the circumstance of the former appellation being more parliamentary in its signification than the latter, and certainly by no expectation that the change of title would bring with it rights not before enjoyed; or that the person appointed to preside over their deliberations, under whatever title, could derive his authority from any other source than His Majesty; and we beg leave expressly to disclaim all idea of an election having ever been contemplated by us.

The Council further desire to remark, that as the councillor who would administer the Government in the event of the death or absence of the Governor, would do so under the title of "President," the change of term alluded to might, in such case, avoid confusion.

Without a wish or intention to interfere with the Royal Instructions, the Council, in nominating five as a quorum, followed implicitly the spirit of these Instructions; for while the Council consisted of six members, His Majesty declares that three shall be a quorum; when, therefore, four new members were added to their number, the Council, seeing also that the Governor's Commission requires that all laws are to be enacted by the Governor with the consent of the "major part" of the Council and Assembly, did not consider that they were acting in opposition to His Majesty's directions (as gathered from the Commission and Instructions collectively) when they increased the quorum to five, being one-half of the members now composing the Council.

In speaking of the motives which induced the refusal to reply to the interrogatories put to the Council by Sir Thomas Cochrane, we trust that the character of the individuals

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composing the Council, as well as their general conduct as connected with the Government, will shield them from the least imputation of having acted with any desire to embarrass His Majesty's representative, and we beg to assure your Excellency that we were solely and entirely influenced by a wish to maintain those privileges which we conceive to be essential to our character as an independent branch of the legislature, and which is so indispensably necessary to ensure to us the "public respect," and without which the King's service must unavoidably suffer at our hands.

In a conference with the Assembly, the Council asserted the same right of freedom from interrogation which they afterwards claimed from his Excellency the Governor.

If it be true, in the words of Lord Goderich's despatch (copy of which was laid before the Council by Sir Thomas Cochrane), "That the Council does not assume in the colony a position, or an influence, analogous to that of the House of Peers, because entirely destitute of that hold on public opinion which the property and independence of its members, as well as the antiquity of the institution itself confers on the peerage;" then it is equally certain that to maintain that hold on the public opinion which it is essential the Council should possess they must be free and unshackled in their deliberations, whether these have for their end the government of their own body, as a co-ordinate and independent branch of the Legislature, or the providing for the exigencies of the public service and the internal improvement of the colony.

In thus "claiming for the Council, in their relation with the Governor of the colony, the privileges which belong to the Upper House of Parliament, in the relation borne by their Lordships to His Majesty," we trust we have not urged the analogy beyond those limits within which alone it can properly be maintained;" and while we are most anxious to offer every possible respect to the representative of His Majesty, we look with confidence to His Majesty's Government to support this branch of the legislature in those constitutional privileges which will not be denied to the Assembly.

In Lord Goderich's despatch, alluded to in the Governor's message of the 9th January 1833, and sent to the "Legislative Council" for its consideration, his Lordship observes, "For your own guidance it may be right to observe that colonial Assemblies, as they derive their general form from the model of the British House of Commons, so they have drawn their rules and system of procedure from the same source. The distinctions are, of course, both numerous and important, and grow out of the dissimilarity of the circumstances of the representative bodies of a small colony and of an extensive kingdom; but in general the analogy is maintained, and therefore the laws and rules of Parliament, as modified by the exigencies of the case, may be taken as the safest guide for the conduct of the Council and Assembly, and for your own proceedings towards them. In accordance with the uniform course of precedents, your Commission constitutes a Council, which will participate with the Assembly in the enactment of laws. The acrimony engendered by such disputes has sometimes given occasion to an eager assertion of extreme rights on the part of the Council, and to a no less determined denial of their necessary and constitutional privileges on the part of the Assembly. The effect of the institution, therefore, is too often to induce a collision between the different branches of the Legislature.

From these expressions it is evident that Lord Goderich did not consider the Council a mere board for advising the Governor, but in its legislative capacity a co-ordinate branch of the Legislature, equally responsible to the Government and to the colony for the passing of just and salutary laws; and vested with constitutional privileges, and with a legislative authority to enforce due order and regularity while discharging their public duties.

In taking the "Laws and Rules of Parliament" for their guidance, the Council have followed the suggestions of Lord Goderich, and they now respectfully beg leave to submit for His Majesty's inspection a copy of the Rules which they have adopted for the regulation of their proceedings, humbly soliciting His Most Gracious Majesty to recognize the right of the Council to make rules for the government of their legislative proceedings, in the same manner as the Assembly has ever done.

Unless the Council be considered a co-ordinate branch of the Legislature, invested with powers similar to those exercised by the Assembly, and necessary for the support of their constitutional authority; unless they be protected in the free and independent expression of their opinions, they would soon become obnoxious to the colony, and be indeed what Lord Goderich describes, "Instruments for relieving Governors from the responsibility they ought to have borne for their rejection of measures which have been proposed by the other branch of the Legislature."

(signed) *H. J. Boulton.*

Council Chamber, 30 March 1835.

RULES and REGULATIONS to be observed in the Legislative Council of *Newfoundland*.

1. THE members of the Legislative Council are to sit in the order prescribed by His Majesty.

2. The Speaker, when he speaks to the House, is always to be uncovered, and is not to adjourn the House, or do anything else as mouth of the House, without the consent of the members first had, excepting the ordinary things about Bills which are of course, wherein the members may likewise overrule, as for preferring one Bill before another, and such like. And in case of difference among the members, it is to be put to the question; and if the Speaker will speak to anything particularly, he is to go to his own place as a member.

3. That

3. That immediately after the Speaker shall have taken the chair, the doors shall be closed, and the Journals of the preceding day be always read.

4. That any member may at any time desire the House to be cleared of strangers, and the Speaker shall immediately give directions to execute the order, without debate.

5. When the House is sitting, every member that shall enter is to give and receive salutations from the rest, and not to sit down in his place unless he has made his obeisance.

6. The members in the Upper House are to keep their dignity and order in sitting, as much as may be, and not remove out of their places without just cause; but when they must needs go across the House, they are to make obeisance to the chair.

7. When any members speak, they address their speech to the rest of the members in general.

8. No member is to speak twice to any Bill at any one time of reading it, or to any other proposition, unless it be to explain himself in some material point of his speech, but no new matter, and that not without leave of the House first obtained. Every member speaks standing and uncovered, and names not the members of the House commonly by their names, but "the member that spoke last," "last but two," &c., or some other note of distinction.

9. That such members as shall make protestations, or enter their dissents to any votes of the House, as they have a right to do, without asking leave of the House, either with or without their reasons, shall cause their protestations or dissents to be entered in the clerk's book on the next sitting day of this House, before the rising of the House, otherwise the same shall not be entered; and shall also sign the same before the rising of the House on the same day.

10. That all orders of the day, which by reason of any adjournment shall not have been proceeded upon, shall be considered only as postponed to the next day on which the House shall sit.

11. To prevent misunderstanding, and for avoiding offensive speeches when matters are debating, either in the House or at committees, it is for honour's sake thought fit, and is so ordered, that all personal, sharp, or taxing speeches be forborne, and that whosoever answereth another man's speech shall apply his answer to the matter without wrong to the person; and as nothing offensive is to be spoken, so nothing is to be ill taken, if the party that speaks it shall presently make a fair exposition or clear denial of the words that might bear any ill construction; and if any offence be given in that kind, as the House itself will be very sensible thereof, so it will censure the offender, and give the party offended a fit reparation and a full satisfaction.

12. That for avoiding all mistakes, unkindness, or other differences, which may grow to quarrels tending to the breach of the peace, if any member shall conceive himself to have received an affront or injury from any other member of the House, either in the Parliament House, or at a committee, or in any of the rooms belonging to the Legislative Council, he shall appeal to the House for his reparation; which if he shall not do, but occasion or entertain quarrels, declining the justice of the House, then the member that shall be found therein offending shall undergo the severe censure of the House.

13. That when a question is under debate, no motion shall be received in the House, unless to amend it, commit it, postpone it to a certain day, or for the order of the day, or to adjourn.

14. That all motions deemed special, two days' notice thereof be given to the House; and any motion (with leave of the House) may be withdrawn at any time before amendment or decision.

15. That no motion prefaced by a written preamble shall be received by this House.

16. That when the question hath been entirely put by the Speaker, no member is to speak upon the question before voting.

17. That after a question is put, and the House hath voted thereon, no member shall depart out of his place until the House hath entered upon some other business.

18. That at votes, the contents do rise in their places, and the non-contents continue to sit; and that the contents and non-contents shall be taken and entered on the minutes at the request of any one member.

19. That the clerk is to enter no order until the Speaker first demand the assent of the House; and the clerk is to read every order first in the House, before it be entered.

20. That each member has a right to require that the question, or motion in discussion, be read for his information, at any time of the debate.

21. To have more freedom of debate, and to facilitate business, committees are appointed, either of the whole House, or of individuals; committees of the whole House sit in the House, but then the Speaker sits not in the chair as Speaker.

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22. That when the House shall be put into a committee of the whole House, the House be not resumed without the unanimous consent of the committee, unless upon a question put by the member who shall be in the chair of such committee.

23. That in a committee of the whole House, the rules of the House shall be observed in so far as they may be applicable, excepting the rule limiting the times of speaking; and that no motion for the previous question, or for adjournment, can be received; but a member may at any time move that the chairman do leave the chair, or report some progress made, and ask leave to sit again.

24. That select committees usually meet in one of the committee-rooms, as the members like. The members of the committee speak to the rest uncovered, but may sit still if they please.

25. Every member to sit in his due place when the House is put into a committee.

26. At any committee, members of the House, though not of the committee, are not excluded from coming in and speaking, but they must not vote; they shall also give place to all that are of the committee, and shall sit behind them.

27. When anything that hath been committed is reported, the members of the committee stand up.

28. No man is to enter at any committee or conference, unless it be such as are commanded to attend, but such as are members of the House, upon pain of being punished severely, with example to others.

29. That no message from the Assembly be received in this House, with a Bill or otherwise, unless the object of it be expressed verbally, as hath hitherto been practised.

30. When notice is given to the House by the Usher of the Black Rod, that a message or deputation is sent by the House of Assembly, they attend until the House is prepared to receive them; We being seated, they are then admitted. On their coming up to the bar, with three obeisances, the Speaker goes down to the bar, and receives their message uncovered; the message is then read and delivered to the Speaker by one of the members of the deputation: on their retiring with three obeisances to the House, the Speaker resumes the chair, and, standing uncovered, reports the message for the information of the members: the House then resumes the business it had before it.

31. None are to speak at a conference with the Lower House but those that be of the committee; and when anything from such conference is reported, all the members of that committee present are to stand up.

32. As it might deeply intrench on the privileges of this House for any member to answer an accusation in the House of Assembly, either in person or by sending his answer in writing, or by his counsel there, upon serious consideration had thereof, and perusal of the precedents in the Upper House of the Imperial Parliament, it is ordered, that no member of this House shall either go down to the House of Assembly, or send his answer in writing, or appear by counsel to answer any accusation there, upon penalty of being committed to the black rod, or to prison, during the pleasure of this House.

33. That no member or officer of this House, without leave of this House, shall, by order of the Assembly, go into that House whilst the House, or any committee of the whole House, is sitting there; or appear before any committee of that House, sitting there or elsewhere.

34. That the members of the Assembly be admitted as auditors of the debate of this House, or any other persons introduced by a member of this House.

35. That it is the right of every member of this House to bring in a Bill, and pray that it may be read.

36. Bills are seldom opposed at the first reading, but are generally committed upon motion at the second reading, at which time the principle is usually debated.

37. That no arguments against the principle of a Bill shall be had or admitted in any committee of the whole House upon such Bill.

38. That no Bill shall be read twice on the same day; that no committee of the whole House shall proceed on any Bill on the same day in which the Bill is committed, unless the House, upon motion, shall see special cause for the common utility to change the same course in any particular instance.

39. That in a committee of the whole House, a member may, at any time previous to a Bill being passed entirely, that is to say, all the clauses, preamble and title of the same, move to have any particular clause thereof, that may have been passed, reconsidered.

40. That to annex any clause or clauses to a Bill of aid or supply, the matter of which is foreign to and different from the matter of the said Bill of aid or supply, is unparliamentary.

41. That

41. That proof that notice of the intention of any person or persons to apply to the Legislature, for its interference respecting any local matter, should be given in the "Royal Gazette" of Newfoundland at least once in each month for six months preceding the session in which such application is to be made.

42. That every petition which is brought up shall lay on the table two days before it is read.

43. That the allegations in every petition for a private Bill, meant to originate in this House, shall be first referred to a select committee, and the matter thereof reported upon before the introduction of any such Bill.

44. That every member who shall introduce a Bill, petition or motion, upon any subject which may be referred to a committee, shall be one of the committee without being named by the House.

45. That when a private Bill is brought from the other House, the principle of which is admitted, this House, by message, may either request a communication of the evidence received in proof of the allegations, or matter whereon the Bill is founded, or the committee of this House to whom it may be referred shall examine the said allegations, and on reporting the Bill, state whether the same or matter thereof be founded, and whether the parties concerned in interest or property therein have given the consents to the satisfaction of the committee.

46. That the foregoing be considered a standing instruction at all committees who shall meet upon private Bills; and further, that they require all persons, whose interest or property they shall consider to be affected thereby, to appear in person before them, to give their consent thereto; and if they cannot personally attend, they may send their consent in writing, which shall be proved to the satisfaction of the committee; and that when any committee shall be appointed on a private Bill, notice thereof shall be set up in the lobby of this House seven days before the meeting of the said committee.

47. That when a Bill originating in this House has once passed through its final stage in this House, no new Bill for the same object can afterwards be originated in this House during the same session.

48. That for the future no motion shall be granted for making any order of this House a standing order, or for dispensing with a standing order, the same day it is made, nor before the members of this House in town shall be summoned to consider of the said motion.

49. That four members, with the Speaker, shall constitute a quorum.

50. That any member of this House being desirous to introduce any Bill, shall be at liberty to call upon the Master in Chancery attendant upon this House to digest and draught the same; who shall be allowed as his fee for the same the sum of three guineas.

— No. 8. —

(No. 8.)

No. 8.

COPY of a DESPATCH from Lord *Glenelg* to Governor *Prescott*.

Sir,

Downing-street, 30 June 1835.

I HAVE received your despatch, dated the 7th April last, No. 10, enclosing an address to yourself from his Majesty's Council in Newfoundland, on the subject of the remarks made on their proceedings by Mr. Spring Rice in his despatch of the 21st October last, No. 6.

The claim of the Council to the possession and exercise of powers analogous to those of the House of Peers of Great Britain and Ireland, raises many wide and abstract questions, which I think it unnecessary and inconvenient to discuss. It is sufficient for the present purpose to say that the Council have now afforded those explanations, to their refusal of which is to be attributed the origin of this debate. No practical question remains, for the decision of which it is necessary to engage in so extensive an inquiry.

The alteration of the quorum from three, the number fixed by his Majesty to four, the number substituted by the Council, is defended on the ground that the Governor is required to make laws with the consent of the majority of that body. But the majority of the quorum, on either supposition, will be less than one-half of the whole number of councillors. Consequently the change is not vindicated by the only argument alleged in its defence. Until the rule established by the King shall be altered by his Majesty's authority, it must be considered as binding and as in full force.

579.

I am

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I am happy to learn, on the authority of the councillors themselves, that Sir T. Cochrane was mistaken in supposing that they had claimed a right to elect their president, and that the title of speaker had been bestowed upon him, as indicating that his authority was derived from that source.

I see, however, no reason why the terms which have been in use for the last two centuries in other British colonies, of which the constitution is founded on Royal commissions, precisely similar to that granted to Sir Thomas Cochrane and yourself, should be abandoned in Newfoundland, nor why the president should be designated by any other title, or the Council described by the adjunct of "Legislative." In all your communications with them you will adhere to the ancient formulary.

The correspondence on this subject has now reached a stage beyond which I do not think it could be advantageously pursued.

I have, &c.
(signed) *Glenelg.*

No. 9.

(No. 40.)

— No. 9. —

COPY of a DESPATCH from Governor *Prescott* to Lord *Glenelg.*

My Lord,

Government House, Newfoundland,
18 August 1835.

In your Lordship's despatch No. 8, dated 30th of June, it is assumed that the number fixed by the Legislative Council as their quorum is four, but it was intended by their 49th Rule that their speaker with four other members should form a quorum, which would of course be a majority of the whole.

When the Council is again assembled in its legislative capacity, I shall transmit them a copy of your Lordship's letter, as being the best mode of setting the question at rest; but unless otherwise directed, I shall alter the passage relating to that part of the subject as follows, "Until the Rule for the quorum established by the King shall be altered by His Majesty's authority, it must be considered as binding, and as in full force."

I have, &c.
(signed) *H. Prescott.*

No. 10.

(No. 61.)

— No. 10. —

COPY of a DESPATCH from Governor *Prescott* to Lord *Glenelg.*

My Lord,

Government House, St. John's, Newfoundland,
22 November 1837.

Appendix, No. 1
to 7.

* Registered 2,153.

I HAVE the honour to enclose an Address to Her Majesty from the Legislative Council, with some documents appended thereto.

This Address* gives a complete history of the dispute which has prevented any Appropriation Act being passed for this year.

No. 8, p. 116.
Nos. 9, 10, 11,
p. 119 to 134.

The passage relating to discrepancies between the estimate for certain items and the sums voted by the House of Assembly will be best explained by the comparative statement which I have annexed; and that your Lordship may be in full possession of particulars, I also enclose copies of messages and addresses between the House and myself, which led to a vote being made of 2,000*l.* "to liquidate outstanding claims, and to defray prospective deficiencies;" but this sum would still have been inadequate.

I do not concur in the observations of the Council respecting the Road Bill, inasmuch as the large sum voted is not necessarily to be expended within the financial

financial year; and I do not foresee any pecuniary inconvenience from that measure.

I enclose likewise a copy of the Bill of Supply, as sent up by the House of Assembly, and rejected by the Council.

I have, &c.
(signed) *H. Prescott.*

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No. 12.

Enclosure 1, in No. 10.

ADDRESS of the Council of *Newfoundland* to Her Majesty, on the Causes which led to the Loss of the Supply Bill during the Session of the Local Legislature in 1837. Encl. 1, in No. 10.

To the Queen's Most Excellent Majesty.

May it please Your Majesty,

WE, Your Majesty's most dutiful and loyal subjects, the Council of Newfoundland in our legislative capacity assembled, beg leave to approach Your Majesty with sentiments of the most sincere and affectionate attachment to Your Majesty's person and government, and to express our deep regret that, upon the first occasion of our assembling at the commencement of Your Majesty's auspicious reign, circumstances should have occurred to prevent the granting to Your Majesty by the General Assembly of the island the usual and necessary supplies for carrying on Your Majesty's government in this colony; but we indulge the belief, that when we shall have laid before Your Majesty the causes which have led to this untoward result of our labours during a very protracted session of more than four months, Your Majesty will not regard this branch of the Legislature as unmindful of their duty to Your Majesty in declining to become parties to an appropriation of the public revenue which in our consciences we believe would have been as unjust towards many faithful servants of Your Majesty in Newfoundland, as it would have been detrimental to Your Majesty's just prerogative, and subversive of those principles which are essential to the stability of the mixed form of government so happily established in Your Majesty's realm, and under which the dependencies of the British Crown have hitherto been governed and protected.

Without trespassing beyond those limits which our position as a branch of the Legislature would seem to prescribe to animadvert upon the present constitution of the Assembly, which many persons feared would lead to the results which all deplore, we shall confine ourselves to a succinct statement of the facts with which we have had to deal, and of our reasons for adopting the line of conduct in relation thereto, which our duty to Your Majesty and the true interests of the colony impelled us to pursue.

The General Assembly met for the despatch of business on the 3d day of July last, and has continued in session, without intermission, to the present time, although it was not until the 18th day of October, after having been three months and upwards in session, that the bill appropriating the supplies necessary for defraying the charges of administering the civil government of the colony was sent up to us by the Assembly. Upon being read a first time, it was found, that a measure for granting nearly three-fourths of the current year's revenue for making and repairing roads and bridges, which had been the subject of a former bill, but had been thrown out by us for reasons assigned to the Assembly at a conference upon the subject, was nevertheless tacked to the Supply Bill, in order to coerce the Council into its adoption; that several grants of money to individuals not recommended by the Executive Government, and of the propriety of which we were altogether uninformed, together with an appropriation for alleged contingencies of the Assembly more than double the amount which had been found sufficient upon all former occasions, and a very large share whereof was under various pretences awarded to the members themselves, were also included in this one bill; thus comprising in one general appropriation the entire expenditure proposed for the year. Such a course of proceeding we acquainted the Assembly, at a conference, we could not concur in, as it deprived the Council of all opportunity of separately rejecting such grants as we could not approve of.

On the 21st of October the Assembly sent up a new appropriation for roads, which being more in accordance with what we had represented to the Assembly to be our views upon the subject, although still liable to much objection, was nevertheless passed by us without amendment, the Assembly keeping back the Supply Bill until the Road Bill was passed.

Immediately on a message being sent, acquainting the Assembly that the Council had passed the Road Bill, they sent up a second bill, appropriating money for defraying, it is true, the greater portion of the usual charges for conducting the public service; but while some charges were not provided for, others were introduced which were not required by the Government, and several occasional grants, having no reference to the public service, together with the grant for the contingencies of the Legislature, were still included. We

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again requested a conference, and after reiterating our unalterable determination not to concur in any attempt to tack occasional grants or other sums for alleged contingencies to the usual Bill of Supply, for the reasons already stated, we proceeded to enumerate such of the items in that part of the bill which related to the ordinary charges for administering the government, as we thought objectionable, and to point out the necessity of providing for others which had been altogether omitted.

It has been usual in this colony to designate with great minuteness and particularity the precise objects to which the supplies are to be devoted, so much so, that not even a constable receives any stipend not specifically appropriated. The inconvenience of this extreme particularity is most obvious upon the present occasion, and we humbly conceive, that had a different method been pursued, much of the inconvenience now felt would never have existed.

It is undoubtedly the province of the Executive Government to make such a distribution of the supplies granted under the several heads of public expenditure as shall be most conducive to the efficiency of the public service, and, especially, it should be so in all matters relating to the administration of justice. Upon this principle Parliament proceeded when the reservation was made of a sum for paying the salaries of the Governor, Judges, Attorney-general, and Colonial Secretary, the particular distribution being left to the discretion of the Crown. The Legislature, however, have hitherto acted differently, and the specific stipend to each magistrate and constable for each locality is fixed by the Act appropriating the funds necessary for defraying the charge.

In consequence of this system, the individual filling each of these situations is brought under the notice of the Legislature, and any private pique or other cause of dislike, as well as a wish sometimes to advance the interests of a favourite officer, may, under various pretexts, cause attempts to be made for diminishing, abolishing, or increasing the stipend of these humble functionaries as they come under review. Had the appropriation for defraying the stipends of the constables, for example, been granted in one gross sum, it would have remained with the Government to have distributed it as the public service, and a due regard to the claims of public servants, might require; and had the Assembly been disposed to retrench, such retrenchment would not have been at the expense of any individual officer, but upon the gross amount, so that attacks upon individuals could not thus be effected; and should a desire exist to favour any individual, the opportunity would not be afforded, because any increase would go to augment the general fund applicable to that service, and the Legislature would thus be prevented reaching individuals at all, either for good or evil.

In the Supply Bill now under consideration, and which the Council could not concur in, this system was attempted by the Assembly in a manner most unjustifiable; and we beg most respectfully to refer Your Majesty to the accompanying instructions to our conferees upon the occasion, as well as to the Report of the Select Committee upon the subject.

The persons whose stipends were either withheld or diminished were opposed at the late elections to the candidates returned for their respective districts, while those whose stipends were increased were friendly to their return, and otherwise objects of their favour. If such a course of legislation were once allowed to take root, especially where the administration of justice is concerned, it needs no argument to prove to Your Majesty, that a blind subserviency to the members of the Assembly would shortly supersede devotion to Your Majesty's service. We have therefore felt ourselves constrained to resist firmly at the outset all attempts of this nature, even at the hazard of a temporary suspension of the supplies.

We have also felt it our duty uniformly to resist the tacking to the Supply Bill the appropriation for defraying the contingent expenses of the Legislature; and in no instance since the existence of a Legislative Assembly in this colony has such a method prevailed.

The grant for contingent expenses last year was 984*l.* 9*s.* 3*d.*; this session the Assembly have insisted upon granting to themselves a much larger sum, while the entire grant proposed by them for contingencies has increased to the sum of 2,392*l.* 2*s.* 2*d.*, which we look upon as out of all reason and unnecessary; and, consequently, we have insisted that these grants shall come up as heretofore in a separate measure, that we may, without detriment to other questions, discuss this subject unincumbered by other considerations; and the only object for tacking these grants to the Supply Bill is, to constrain us to acquiesce in them rather than lose the supplies. And we humbly submit to Your Majesty, that nothing can be more unconstitutional than for the Assembly to threaten withholding the supplies for defraying the usual charges of administering the government, because they are not allowed to appropriate a large sum to themselves and to those whom they may think proper to patronize.

If they can appropriate to their own use one sum under pretence of privilege, they can take whatever they please; but the Council are of opinion that they would be guilty of a flagrant breach of their duty to Your Majesty and to the public did they allow themselves to participate in such a manifest impropriety.

Whatever contingent expenses are fairly incurred to advance the legitimate interests of the public, or to remunerate individuals, whether members or other persons, who shall have performed any service demanding a fair compensation, will be most favourably considered by us, with every desire to meet the just expectations of the Assembly; but any appropriations of the public revenue which shall, in our judgment, be manifestly and flagrantly improper,

improper, we feel bound as steadily to resist, as tending directly to sap public integrity, and to draw the people into a belief that all preferment must be sought for by propitiating the Legislature, instead of entitling themselves thereto by an honest discharge of their duty to Your Majesty.

In the neighbouring colonies of Nova Scotia and New Brunswick these difficulties are obviated by the Assemblies sending up the resolutions passed in committee of supply to the Councils for their separate concurrence, which being concurred in by them, are frequently included in bills embracing every variety of grant.

In the Canadas, however, several bills are sent up for separate grants, thus, by either mode, affording the Councils an opportunity of discussing each matter by itself, and either concurring in or rejecting it as they shall be advised. The Assembly in Newfoundland refuse to adopt either course, and insist upon tacking all their favourite grants to the Supply Bill; and we humbly submit to Your Majesty that granting the supplies only upon conditions which they know will not be acceded to, is tantamount to refusing them; and although we regret the temporary inconvenience that some of the public functionaries will suffer from the adherence on the part of the Assembly to what we believe to be a most dangerous policy, yet we are fully persuaded that it is absolutely necessary for the protection of the public against the assumption of authority at once arbitrary and unjust, and which, if allowed to establish itself, will very soon concentrate all power in that branch of the Legislature, to the subversion of the just prerogative of the Crown and the liberties of the people.

Lest Your Majesty should deem the sums of money which have been the subject of our anxious deliberations, too insignificant in themselves to call forth so much earnestness on our part, we humbly beg to acquaint Your Majesty, that the net year's revenue, arising from duties paid into the treasury of the island during the year ending the 5th July last, and disposable by the local legislature, only amounts to the sum of 24,974 *l.* 0 *s.* 6 *d.*, upon which there exists a permanent charge, created by colonial enactments, amounting to 2,520 *l.*, besides some small sums not brought into the calculation, thereby reducing the disposable balance of the year's receipts to 22,454 *l.* 0 *s.* 6 *d.* It is true there is a balance remaining from past years of nearly 6,000 *l.*, and there may be perhaps about 1,000 *l.* arising from licences to sell spirituous liquors, giving at the utmost a disposable revenue for the year, of 29,454 *l.*; of this sum, a bill has already passed, as before observed, appropriating 16,801 *l.* for roads, a sum which we thought was far too much to be applied to such a purpose, as its expenditure would reduce the disposable revenue to 12,653 *l.*; but in deference to the earnest desire of the Assembly, we reluctantly yielded our assent thereto.

When, however, the Supply Bill came up, we found that although it contained an appropriation in the aggregate of 19,068 *l.* 2 *s.*, exceeding the revenue by 6,415 *l.*; yet that provision for some important branches of the public service had been either altogether omitted, or so far diminished as to be totally inadequate to the keeping up the efficiency of the service for which it professed to provide. This was especially observable in the appropriations for defraying the various charges connected with the administration of justice. In these particulars the Assembly has applied retrenchment with a most unsparing hand, while in all matters connected with the patronage which they began to exercise in so remarkable a manner on passing the threshold of their chamber, they have exhibited a prodigality and profusion quite inconsistent with the idea, that a wise economy could have influenced the retrenchments subsequently made with so little regard to the efficiency of the departments into which they were carried, or indeed to their being upheld at all.

We humbly desire to lay before Your Majesty some few details, from whence, among others, we have drawn the foregoing conclusions, and trust that Your Majesty will thence perceive how necessary it has been for Your Majesty's Council to perform with firmness and decision a duty, ungracious, perhaps, in appearance, and exceedingly liable to be misconstrued.

Although the last Session of the Legislature, previous to the new elections, occupied nearly the same period of time during which the present General Assembly have been in Session, and although no less than 17 bills received the Governor's assent, and several others were introduced in either House which were not concurred in, yet the contingencies of the Assembly, including 300 *l.* voted to defray the expenses of members attending from the out-ports of the island, amounted to no more than 984 *l.* 9 *s.* 3 *d.* an ample sum considering the amount of our revenue, and the business accomplished; while the appropriation made by the Assembly for their contingencies this session, exceeds that amount by the large sum of 1,193 *l.* 13 *s.* 3 *d.* exclusive of a grant of 215 *l.* to indemnify such officers and servants of the Assembly, as had been appointed by the Executive Government, at the organization of the Legislature in 1833, but had been excluded from the performance of their duties to make way for persons appointed by themselves, being an excess over the preceding session of 1,408 *l.* 13 *s.* 3 *d.* to which may be added the sum of 500 *l.* voted to three of their own body as delegates, to proceed to England to "treat" with Your Majesty concerning certain alleged grievances, giving a grand total of 1,908 *l.* 13 *s.* 3 *d.* beyond what was appropriated by the former Assembly for their contingencies, the whole of which sum, if real economy were desired, might, without any detriment to the public service, have been applied to other objects, and we do not hesitate to assert that this lavish appropriation of the public money would be in many respects unjust and worse than useless.

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On the other hand, considerable sums which experience had proved to be absolutely necessary for the service of Your Majesty's Government, have been withheld, notwithstanding detailed estimates exhibiting the expenditure of the previous year were early in the session laid before the Legislature.

In the most important branch of the public service, the administration of justice, the utmost parsimony is exhibited. The sum shown in the estimate as necessary for defraying the expense of civil and criminal prosecutions, usually conducted by the Crown, is 900 *l.* this estimate is predicated upon past experience. The sum granted last year was 600 *l.* which was found insufficient, and the further sum of 274 *l.* 17 *s.* 6 *d.* still remains as an outstanding charge against the Government, and yet the Assembly have still further reduced the grant for this service to the perfectly inadequate sum of 500 *l.*

Last session 460 *l.* were granted to defray the expense of the usual circuits, which was found insufficient, and the excess, 105 *l.* 7 *s.* 11 *d.* was defrayed out of a fund devoted to the discharge of unforeseen contingencies; notwithstanding which the Assembly have still further diminished the grant to 400 *l.* which is found to be quite inadequate to defray the expenses of the circuits from whence the judges have just returned.

Again, under the head of gaol expenses, the grant of 700 *l.* was found little more than sufficient to defray the usual charges for prisoners, and yet without any regard to the exigencies of the service, 300 *l.* alone are appropriated for dietry, clothing, and all incidental expenses for prisoners throughout the island; while it is well known, that previous to the establishment of the new regulations of the Supreme Court for the management of the gaols, the charge for prisoners in the gaol of St. John's alone frequently exceeded that amount in six months.

After a careful consideration of the events of the session, we find ourselves reluctantly brought to the belief, that personal antipathy and private feelings have had much more influence in bringing the Assembly to the conclusions at which they have apparently arrived, than a due regard to the public interests.

Council Chamber, 18 Nov. 1837.

(signed) *H. J. Boulton,*
President of Council.

Enclosure 2, in No. 10.

Encl. 2, in N o. 10.

THE Council has desired this conference upon the bill sent up from the Assembly, intituled, "An Act for granting to Her Majesty a supply of Money for defraying the Expense of the Civil Government of this Colony, for the Year ending the 30th day of June in the Year of our Lord 1838, and for other purposes," to express their regret that at this late period of the session, the House of Assembly should, so soon after holding a conference upon the same subject, have recurred to the method of blending in one bill the supplies necessary for defraying the ordinary charges of administering the Government, with occasional grants of money for totally different and independent objects, and of mingling the grant for discharging the incidental expenses of the Legislature with either.

Had the Assembly adopted the course pursued in the neighbouring colonies of Nova Scotia and New Brunswick, of sending up the resolutions passed by the Assembly in their committee of supply for the concurrence of the Council, and to which method the Council referred at the late conference on Thursday last, although some objections would still have existed to embracing grants requiring certain peculiar provisions for regulating their expenditure, and might therefore be conveniently made the subject of separate bills, yet the Council would have been happy so far to have met the views of the Assembly, and to have acceded to a course not breaking in upon important principles, and would not have felt it imperative upon them to refuse the bill merely on that account, had the various grants contained in it been previously concurred in by the Council in the manner above referred to; but as the Assembly has not adopted that course, the Council are under the necessity of again acquainting that House that they cannot depart from the constitutional principles laid down by them at their late conference, and that they will not be induced by any considerations of temporary expediency to deviate from them.

The Council does, therefore, insist that this bill shall be limited to "granting to Her Majesty a supply of money for defraying the expense of the civil Government of this colony for the year ending the 30th day of June 1838," and that the grants "for other purposes" be excluded; that the grant for defraying the contingent and other expenses of the Legislature be confined to another bill, and that occasional grants be not inserted in the same bill with either.

These being the principles upon which alone the Council will proceed, they desire to confine their objections to such of the details of the bill as have an exclusive reference to the ordinary supplies, not wishing to extend their observations to matters contained in other parts of the bill until they shall come before them in such a shape as that they can be properly discussed.

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The Council perceive that the appropriation for paying the constable at Ferryland and Bay Bulls is reduced from 25*l.* to 12*l.* in each case, and that the salary of the gaoler at Ferryland is reduced from 25*l.* to 20*l.*; while in St. Mary's, being a place of less importance, the salary of the constable is raised in the same proportion, viz. from 12*l.* to 25*l.*; while one constable at Trinity has been struck off altogether, and the salary of another at Cabalina has been doubled, it being raised from 12*l.* to 24*l.*; and at Greens Pond the constable's salary has been reduced from 15*l.* to 12*l.*; while no appropriation at all is made for paying the salary of the constable at Torbay, one of the larger settlements of the central district.

The Council are of opinion that 12*l.* is a sufficient salary for any of the constables at the smaller settlements and outposts; and if a salary were about to be granted, for the first time, to a constable at Bay Bulls or Ferryland, for instance, they would concur with the Assembly in deeming that sum sufficient; but then they could not agree to double that amount being given to constables in places of no greater importance; and therefore they deem it unjust to raise one man's stipend at the expense of the salary paid to another person similarly situated.

The individuals receiving these stipends are, it is true, in an humble station of life, and the amount paid to each is inconsiderable; but they ought not on that account to be treated with a less regard to justice, nor ought their claims to be viewed less favourably than if they had it in their power to advance their own pretensions within the walls of the General Assembly of the island.

The remuneration to the medical attendant of the gaol at St. John's is for the first time separated from the general expenses of that branch of the public service, as well as the stipend to the gaol barber. The salary formerly paid to the surgeon out of the general fund appropriated for gaol expenses, it is true, is continued; but it is coupled with a restriction which would deprive him of another situation, that of district surgeon, with a larger stipend; while the remuneration to the barber is raised from 12*l.* (an allowance quite adequate, and which has been apportioned for years past by the Government) to 15*l.* Such a course of proceeding the Council can never consent to become parties to.

The grant for the support of the poor should, in the opinion of the Council, form the subject of a separate bill, inasmuch as certain provisions ought to be contained in such a measure to guard and regulate the expenditure. The Council are of opinion that the bill should ascertain the persons to whom the money is to be dispensed, by some more definite term than that of "the poor," and it ought not to be left to the discretion of the commissioners to dole out the public funds to such persons as they may think proper to bestow it upon; but that a portion of the sum granted should be defined and set apart for the relief of the aged, sick, infirm and impotent poor.

Enclosure 3, in No. 10.

Encl. 3, in No. 10.

HER Majesty's Council have requested this conference, upon the resolution of the Assembly transmitted to them on Monday last, acquainting that House that "Her Majesty's Council had passed the bill sent up from the Assembly, intituled, 'An Act for granting to Her Majesty certain Monies for the making and repairing of Roads and Bridges in the Colony, and to provide Regulations respecting the same,' with some amendments, to be a violation of the privileges of the House of Assembly," and "that that House cannot recognize a right in Her Majesty's Council to make any amendment in a bill granting monies to Her Majesty," for the purpose of acquainting the Assembly that, while the Council has no disposition to interfere with any privilege claimed by the Assembly, so long as that House shall confine its pretensions within reasonable and convenient bounds, yet as the King's letters patent, from whence the powers of legislation are so recently derived to both Houses, confer no especial privilege upon either, the Council cannot permit a mere assumption of privilege as peculiar to the Assembly to be carried to such lengths as would, if acquiesced in, concentrate all power and authority, in matters connected with supply, in the Assembly; depriving the Council of that wholesome and salutary check upon the proceedings of the Assembly which they possess upon those of the Council.

Although there must obviously be a wide and manifest distinction between the privileges incident to or assumed by the House of Commons, as one branch of the British Parliament, exercising from a period of high antiquity supreme authority over a vast empire, and those which are applicable to a subordinate colonial assembly, recently called into existence by Royal authority, yet the Council will cheerfully acquiesce in the exercise by the Assembly of such a modification of the privileges assumed by the House of Commons as shall reasonably be found to comport with the useful development of their legislative powers. Upon this principle, the Council have no hesitation in admitting that all Bills for the granting or appropriating the public money, or for laying any additional burthen upon the people, should naturally originate in the representative branch of the Legislature; but that no amendment can be made by the Council, even in such parts as do not affect the quantum of the supply to be granted or appropriated, would be extending the claim beyond those limits which the Council conceive may safely be conceded without inconvenience to the public service.

During the short period that the Legislature of Newfoundland has existed, many precedents are to be found of amendments being made by the Council in Money Bills, very

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much to the advancement and protection of the public interests; among others which the Council might cite, they desire to call the attention of the Assembly to the amendments made by the Council to the Bill granting an additional sum of money towards the erection of a lighthouse on Harbour Grace Island; which amendment had for its object a very similar end to that hoped for in the amendments now offered to the Road Bill under consideration, namely, the protecting the colony against a wasteful expenditure of the public money. The Council would likewise advert to the very extensive amendments made by them to the Bill for the relief of sick and disabled seamen, fishermen, and other persons, which, being manifestly useful, were substantially acquiesced in by the Assembly.

If positive assertion on the part of the Assembly were sufficient to constitute a right to exclude the Council from all interference with whatever they might think proper to draw within the verge of their assumed privileges, the Council might, at no distant day, be thrust out of all participation in the deliberative duties assigned them by the same authority which enables the Assembly to make so large a claim upon their forbearance.

Should these pretensions of the Assembly be acquiesced in, that House would soon be in a condition to usurp all executive as well as legislative authority in matters of finance, which one clause of the Bill now under deliberation, to a very considerable extent, has for its object, by appointing all the members of the Assembly members of the several boards of commissioners named in the Bill for the expenditure of about three-fourths of the current year's colonial revenue, which, according to their notion of privilege, no one is to presume to interfere with; a pretension quite inconsistent either with the public good or the independent discharge of the trust reposed in the Council, and one which the Council will never yield to.

The Council entertain very serious doubts of the propriety of devoting so very large a proportion of the year's income to one object; and unless all reasonable means should be taken to guard against a lavish and improvident application of it, they would prefer its remaining in the treasury; and they do consequently insist upon the amendments made by them to the Bill in question.

Enclosure 4, in No. 10.

Encl. 4, in No. 10.

Mr. Speaker,

HER Majesty's Council, considering that the extreme period to which the present session has been protracted, renders it necessary that every possible effort should be made to bring the business of the Legislature to a close; and that, to avoid as far as possible the necessity of recurring to further conferences upon the subject of the Appropriation Bill, they have adopted the following Resolutions:

Resolved, that Her Majesty's Council will concur with the Assembly in passing a Bill for granting to Her Majesty a supply of money for defraying the expense of the civil government of this colony, for the year ending the 30th day of June, in the year of our Lord 1838, upon the principles stated by the Council at their conference on Friday last.

Resolved, that Her Majesty's Council will concur with the Assembly in passing a Bill appropriating money to defray the usual contingencies of the Legislature; to wit, the stipends to the clerks and writers employed under them, to the master in chancery and solicitor, the usher and serjeant-at-arms, to the door-keepers and messengers of both Houses; all disbursements for stationery and printing of every description, and tradesmen's bills for work done by order of either House, to be paid to the persons entitled to receive the same by warrant from his Excellency the Governor, upon a certificate of the officer under whose direction the charge shall have been incurred.

Resolved, that Her Majesty's Council will concur with the Assembly in appropriating the sum of 1,500*l.* to the district of St. John's, and the further sum of 1,500*l.* for the other districts, as proposed in the last Supply Bill; to be applied by commissioners to be appointed by his Excellency towards relieving the poor, and any further sum which the Assembly may deem requisite for that purpose; the expenditure to be general throughout each district, and not to be confined to the inhabitants of any particular town or place.

Resolved, that with an earnest desire to meet the wishes of the Assembly, Her Majesty's Council will apply their best consideration to the reasons which may move the Assembly to propose any other grant, so soon as they shall be put in possession of the facts and circumstances inducing the appropriation of such further sums.

Resolved, that the Council will concur in a Bill granting to Her Majesty a sum of money for paying 42*l.* to each member of the Assembly, who shall have attended his duty for that number of days during the session, to be certified by the Speaker.

Enclosure 5, in No. 10.

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Mr. Speaker,

Encl. 5, in No. 10.

HER Majesty's Council, considering that the extreme period to which the present session has been protracted, renders it necessary that every possible effort should be made to bring the business of the Legislature to a close; and, that to avoid as far as possible the necessity of recurring to further conferences upon the subject of the Appropriation Bill, they have adopted the following resolutions:

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Resolved, that with an earnest desire to meet the wishes of the Assembly, Her Majesty's Council will apply their best consideration to the reasons which may move the Assembly to propose any other grant, so soon as they shall be put in possession of the facts and circumstances inducing the appropriation of such further sums.

Resolved, that the Council will concur in a Bill, granting to Her Majesty a sum of money for paying 42 l. to each member of the Assembly who shall have attended his duty for that number of days during the session, to be certified by the Speaker.

Enclosure 6, in No. 10.

HER Majesty's Council has desired this conference with an earnest desire to preserve that good correspondence with the Assembly which the best interests of the colony require should subsist between all branches of the Legislature, and to offer such reasons as have moved the Council to require that the multifarious matters contained in the Bill sent up by the Assembly, intituled, "An Act for granting to Her Majesty a sum of Money for defraying the Expense of the Civil Government of this Colony, and for other purposes, for the Year ending the 30th day of June, in the Year of our Lord 1838, and for the making and repairing of Roads, Highways, and Bridges in this Colony," should be separated and made the subject of distinct Bills. The Council disagree to the innovation of blending in one Bill the ordinary supplies necessary for defraying the charges of administering the government, with occasional grants of money for totally different and independent objects, and to the mingling the grant for discharging the incidental expenses of the Legislature with either.

Encl. 6, in No. 10.

The Royal Instructions, no doubt, with a view to the avoiding the inconveniences which must naturally arise from a contrary practice, require that as much as possible each different matter be provided for by a different law, without intermixing in one and the same Act such things as have no proper relation to each other, and especially that no clause be inserted in any Act which shall be foreign to what the title to such Act imports.

Such principles the Council consider as of the highest importance to be rigidly adhered to, as not only essential to the preservation of the rightful authority of each branch of the Legislature, in passing or rejecting of such measures as shall come before them, but also to the prevention of that constant resort which must otherwise be had, on the part of the Council, to amendments in money-bills, embracing every variety of object, which the Assembly assume to be an infringement of their privileges.

Whatever may be the private wishes of individuals, it is to be presumed that public bodies are solely actuated by a desire faithfully to discharge the trust reposed in them; a principle applicable alike to each branch of the Legislature, and consequently every measure should be so brought before them that each matter may be separately considered, and either adopted or rejected without prejudice to any other question.

The Assembly claim the privilege of originating all money-bills, and they deny to the Council the right of altering or amending them. It is not necessary that the Council should either acquiesce in or repudiate these pretensions; but it is of the first importance that they should not allow such claims of privilege, on the part of the Assembly, to break down their own

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own undoubted right, freely and without restraint, as a co-ordinate branch of the Legislature, to deal with every subject which may come before them, and not to be coerced into the adoption of a Bill, embracing separate and distinct objects, respecting which they may entertain diverse opinions; and, therefore, if the Assembly are anxious that Bills of Appropriation should not be altered or amended in the Council, but simply passed or rejected in the form in which they come up, they must send them up in such a shape that the Council may, without embarrassment, concur in or dissent from each proposition, otherwise they will feel themselves compelled to make such amendments as they may deem essential, as the occasions shall arise; and if such a course shall be in opposition to claims of privilege set up by the Assembly, the blame will be at their own door, for persevering in a course which the Council have an equal right to dissent from; and they take this opportunity distinctly to acquaint the Assembly that they will not be induced, by any considerations of temporary expediency, to deviate from those principles which they deem of such vital importance to the free exercise of an independent judgment upon every question that shall be brought under their deliberation.

The Council have already rejected a Bill for appropriating nearly three-fourths of the colonial revenue, raised during the year, towards the making and repairing of roads and bridges, because no sufficient provision was made in that Bill for guarding against a wasteful and lavish expenditure of so large a sum; a point which cannot be too scrupulously attended to; and now, with a view to constrain the Council to acquiesce in the views of the Assembly, the same appropriation is tacked to the supplies necessary for carrying on the Government; a proceeding which the Council will steadily resist. If by a perseverance in this method of endeavouring to coerce the Council, any inconvenience shall be experienced on account of the usual supplies not being granted for defraying the charges of administering the Government, the responsibility will not rest with the Council, as they are ready to concur with the Assembly in passing the usual Bill for granting those supplies; and it will not shift that responsibility from the Assembly to the Council, their sending up a Bill granting those supplies, with grants of money for other objects tacked to it, avowedly for the purpose of coercing the Council into the adoption of the measure so tacked to the usual Supply Bill, which they would otherwise reject or desire to see modified.

The best parliamentary precedents deprecate the heaping together in one law a variety of unconnected and discordant subjects, as being unparliamentary. But to do this in cases where it is known that one of the component parts of the Bill will be disagreeable to the Crown or to the Lords, and that if it was sent up alone it would not be agreed to; upon this account, and with a view to secure the Royal assent, or the concurrence of the Lords, to tack it to a Bill of Supply which the exigencies of the State make necessary, is a proceeding highly dangerous and unconstitutional.

In the neighbouring colonies of Nova Scotia and New Brunswick, to which the Assembly have so frequently referred for precedents, which they have urged upon the Council as proper to be followed by the Legislature in this island, all the resolutions passed in committee of supply, upon which their Bills of appropriation are afterwards founded, are constantly sent up to the Council for their concurrence, thereby affording the Council the fullest opportunity of either concurring in or rejecting each proposed grant. Had this course been adopted upon the present occasion by the Assembly, there would not have been such strong objections to embracing all the grants in one Bill, although such a course is not usual in those colonies. In the larger provinces of Upper and Lower Canada, a different mode is used, namely, the appropriating particular grants of money for specific objects in separate Bills; thus preserving the spirit of the constitution, which contemplates the free and unfettered exercise of the judgment in each branch of the Legislature, upon every distinct subject brought under deliberation.

In either House of Parliament it is usual to divide a complicated question, to enable those who are in favour of one part of a proposition, but opposed to another, freely to give their vote upon either, and it would be considered as most unfair to frame a complicated question, with a view to deprive members of that method of recording their sentiments.

For these reasons the Council do insist that the matters embraced in this Bill, which are diverse in their nature, shall be separated, and they will not concur in establishing a precedent, that objects so dissimilar may be put together in one Bill; and more especially upon the present occasion will they resist such an attempt, since the grant for making and repairing roads and bridges has already been rejected by the Council, on account of the provisions contained in the Bill appropriating the same having been deemed insufficient, in the opinion of the Council, for guarding against an improvident expenditure thereof.

Until this constitutional question shall have been definitely determined, it is unnecessary to discuss the sufficiency or inadequacy of any particular items of the appropriation proposed, or the propriety of making some of the grants, or of leaving out others equally proper to be made.

Enclosure 7, in No. 10.

REPORT of a Select Committee of Her Majesty's Council of *Newfoundland*, on the Supply Bill.

Encl. 7, in No 10.

THE Select Committee appointed to take into consideration the Bill sent up to the Council from the Assembly, intituled, "An Act for granting to Her Majesty a sum of Money for defraying the Expense of the Civil Government of this Colony, for the Year ending the 30th day of June in the Year of our Lord 1838, and for other purposes," and to report their observations thereon, and who were empowered to send for persons and papers, and to receive evidence upon the several points requiring explanation, have, pursuant to the order of the Council, examined the matters to them referred, and have agreed to the following report.

In order to present a clear view of the subject, the Committee have thought it desirable to class in a tabular form the various appropriations proposed by this Bill which require observation, under the following heads, viz. No. 1. Ordinary Charges for the Support of the Civil Government. No. 2. Salaries and Incidental Expenses of the Legislature. No. 3. Miscellaneous Grants. These tables are given in the Appendix.

The Council having upon various occasions, during former sessions, as well as recently during the present, expressed their decided disapproval of the course adopted in this Bill, of tacking to the ordinary supplies grants of money for objects having no relation the one to the other, the Committee have not thought it necessary to pursue a subject which may be regarded as settled by the unanimous decision of the whole Council, more than once expressed; and therefore they have contented themselves with merely extracting grants of this description, and exhibiting them for more ready reference in the Table No. 3; and as the Council have expressed a determination not to enter upon the consideration of occasional grants of money so long as they shall continue to be tacked to the ordinary Supply Bill, the Committee has not felt at liberty to enter into any inquiry respecting the utility, justice, or necessity of any of them. For the same reasons they have forbore to enter into any minute consideration of the causes which have led to the very great increase, which they regret to perceive, in the contingencies of the Assembly, although they cannot avoid noticing the fact, that these contingencies amount in the aggregate to 2,393 *l.* 2*s.* 6*d.* being considerably more than double the sum granted for the like purpose last year.

The Committee also desire to draw the attention of the Council to the fact, that while sums far exceeding those granted heretofore for the like services are specifically appropriated for printing the Journals, and other general printing, for the Members' wages, for stipends to the usual servants of the Assembly, as well as those appointed to new situations not heretofore found necessary, yet, that a sum of 699 *l.* in addition is appropriated for contingencies, and although the Committee have desired to examine the votes of the Assembly, to ascertain what charges are included in this sum, the person who acts as clerk of the Assembly refuses to afford the information required.

The Committee have, therefore, endeavoured to procure information elsewhere upon this point, and although not official, yet they have reason to believe it to be tolerably correct. They have ascertained that notwithstanding 588 *l.* have been openly and specifically appropriated to the Members themselves, yet that a very large sum, about 290 *l.* further, is included in this general sum for the like object; which the Committee cannot but express their strong disapproval of. If the Members wish to apply a larger sum out of the public revenue to their own use, surely it should be openly done, so that the public and the Council, whose concurrence is required, should be able to judge of the propriety of the grant.

They have also reason to believe that 50 *l.* is included in this sum to be paid to one of the members as chairman of some committee; and notwithstanding 160 *l.* is granted specifically to R. J. Parsons, the printer of the Patriot, for general printing, while only 49 *l.* was required for that service from another printer last year, yet the Committee believe the sum of 20 *l.* or more is included in this sum of 699 *l.* for printing the speech of one of the Members.

The Committee have also ascertained, to their entire satisfaction, that much larger sums than were formerly granted to the clerk and serjeant-at-arms are also included in this grant, to be paid to persons acting in those capacities, to the exclusion of the officers appointed by the Crown; and that considerable sums are therein voted to increase the stipends specifically granted in the Bill to their other servants, who have been appointed by themselves. Under these circumstances the Committee would strongly urge the rejection of the entire sum of 699 *l.* Formerly the services designated as contingent were set forth in the Journals of the Assembly, together with the sums for defraying such charge; but now that course is not pursued, and all information upon the subject is denied.

To the distribution, however, of the monies granted for defraying the ordinary charges of the civil expenditure of the Government, the Committee have directed their earnest attention, because they are of opinion that principles of the deepest interest and most serious consequence are involved in the consideration of the changes sought to be effected at the sole suggestion of the representative branch of the Legislature.

By our constitution the sovereign is the fountain of justice, and either directly or indirectly, through the higher order of functionaries, appoint to every office connected with its administration, while the Legislature is charged with providing the funds necessary for defraying the expense incurred by such appointment.

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The responsibility of selecting proper persons to fill stations of trust being vested in the executive branch of the Government, it is necessary that these selections should be made fairly and independently, with a view to the efficient discharge of the duties imposed, for which the executive is again responsible. For these reasons the Committee are of opinion, that the method heretofore and now adopted by the Assembly in this colony, of minutely appropriating the various specific sums composing the aggregate of the charge for conducting each branch of the public service, if not productive of the evil which the Committee are about to bring under the notice of the Council, at least affords the opportunity for effecting it. The Legislature has thought it necessary, from time to time, to provide stipends for magistrates and constables to reside at certain places in the different districts of the island. In making this arrangement care should be taken to keep separate the respective functions of the executive and of the legislature, otherwise the latter will be in a condition, in effect, to usurp the functions of the former. If it be thought necessary that there should be 40 constables, for instance, in the outports, at a salary of 10*l.* each, 400*l.* should be granted in gross to meet the charge; and should the legislature, upon any future occasion, be of opinion that the public revenue could not, with due regard to other branches of the public service, bear so heavy a charge, it might be diminished, without affecting exclusively the interests of any one in particular, leaving it to the executive government to distribute the diminished grant in such a manner as should best preserve the efficiency of the department. The police of London is paid by the Government, but it would scarcely enter into the view of Parliament to regulate the particular stipend of each policeman.

The legislature of Newfoundland, however, acting upon this principle, descends to the minutest distribution, and regulates the precise sum to be paid to each individual; the consequence is, that upon every occasion where the supplies are being voted, each member has passed in review before him the individuals of his neighbourhood who are to receive the most insignificant sums, and an opportunity is thereby afforded of making the person, and not the office, the subject of discussion; and should any constable or other functionary have become obnoxious to the members from his quarter of the country, his stipend is scrutinized with the greatest rigour, and perhaps reduced one half, or withheld altogether, while those who have ingratiated themselves with the same persons have their salaries raised without regard to services.

The Committee have examined several witnesses to ascertain if there were any circumstances which could reasonably warrant the changes set forth in the Table No. 1, but have been able to discover none that would warrant an honourable mind in selecting the instances that are there exhibited as proper cases for especial reduction or augmentation, for abolition or introduction.

The constable of Ferryland is a very reputable man, has been in office more than 20 years, resides in what may be called the county town of the district, where the circuit court is held, and where there is more business transacted than in any other place in the southern district of the island, with the exception, perhaps, of Burin; he has received an excellent character from several respectable persons residing there, but it appears from their statements that he is opposed to the Member representing that district, and his salary is reduced from 25*l.* to 12*l.*

The Assembly have assigned in their reasons offered at a former conference on this subject, as the cause of this reduction, that there are three stipendiary constables added to that shore, in order to facilitate the administration of justice, that his duty is consequently diminished.

In the first place, the Committee are of opinion that such salaries should not be granted by the Legislature until the necessity of the appointment were indicated by the Government; but in these instances it will be obvious upon an examination even of the Table now under consideration, that such inconsiderable places as Cape Broyle, Caplin Bay, and Aquafort, all in the immediate neighbourhood of Ferryland, and containing together a population of only 530 souls, cannot require a constable in each, while the Assembly have withheld the salary of the constable at Torbay, where the population amounts to 758 inhabitants, and is much further from St. John's than either of the other places is from Ferryland; but it appears in evidence, that the constable at Torbay was adverse to the present Members during the former elections.

The salary of the constable of St. Mary's has been raised in the same proportion as that of the constable at Ferryland has been diminished, although by the evidence taken by your Committee it would appear he is by no means an efficient officer, and on one occasion he positively refused to do his duty in aiding the constables sent from St. John's in the government yacht to apprehend some of his immediate neighbours for a riot. The ground alleged by the Assembly for raising this constable's salary, viz. that his duties extended throughout a line of coast of 100 miles in extent, is, within the knowledge of your Committee, quite delusive, as it is well known that none of these constables are sent beyond their own immediate vicinity; and they have ascertained that in fact there is little for him to do.

In the case of the constable at Torbay, the Assembly has not hesitated to place the withholding of his salary upon personal grounds, stating that they would "wish to mark their sense of the impropriety in making choice between two honorary constables of passing by the person longest in office, the most respectable and the best conducted."

The Committee have examined witnesses on this point, and find the statement quite unfounded. There has been but one constable at Torbay the last 10 years.

The salary payable to the second constable at Trinity has been withheld, under circumstances of the most crying injustice; and the Committee have clearly ascertained, by indisputable

indisputable evidence, that there is not the slightest foundation for the statement made by the Assembly, at their last conference on the subject, viz. that he holds the sinecure office of gaoler and lives in the gaol.

At Bonavista there are two stipendiary constables receiving £2*l.* 10*s.* each; the salary to one of these is withheld, and the amount conferred on the other without any apparent reason. And it is a fact worthy of observation, that while salaries are voted by the Legislature to the constables residing at three small harbours near Ferryland, before referred to, with a population, in all, of 530 souls, the salaries heretofore payable to three out of five constables at Bonavista, Trinity and Torbay, containing together a population of 3,564 souls, have been withheld.

There is also the same appearance of personal feeling manifested in the arrangements attempted to be made in this Bill, relative to the gaol and district surgeon; Dr. Kielley, who is known to be decidedly opposed to the political conduct of the present members of the Assembly, happens to fill both these situations, and with a view to deprive him of one, a proviso is attached to the grant for paying the gaol surgeon, that he shall not hold the situation of medical attendant upon the poor of the district. If the salaries, instead of being 40*l.* for the gaol and 120*l.* for the district, were such as a professional man could be expected to devote his whole time for, there might be some reason for saying that the two were incompatible, since he could not devote his whole attention to two different employments; but this is not the case; and the situations are not in the least incompatible; therefore he ought not to be removed by Legislative exclusion, without complaint and without hearing. The plan for dividing the district into four wards, the Committee are of opinion might be beneficial to the public, and therefore, however it might interfere, in a certain degree, with the present emolument of Dr. Kielley, they would not recommend any opposition to such an arrangement; but they are decidedly of opinion that the interests of the poor would not be consulted by his entire exclusion.

The injustice of withholding any part of the year's stipend to persons fulfilling public situations at fixed salaries, will be still more apparent, when it is recollected that during the present session, the first quarter's salaries have been granted upon the estimate laid before the Legislature by the Governor, and that the officers have continued up to this time (a further period of four months), to discharge their duties under the expectation of being paid as usual; and therefore, whatever may be the decision of the Legislature as to future years, the honour and faith of the Government is pledged to see these persons paid for the present year, if not for a longer period; but the Committee are decidedly of opinion that the reduction, in any branch of the public service, ought to be in the aggregate amount, and not in the detail, which should be regulated upon the responsibility of the Government, and not made the subject of personal favouritism.

After a patient investigation of the whole matter, and after hearing the testimony of the witnesses called before them upon the several points to which they have been examined, the Committee are of opinion that considerations of a personal nature, growing out of political hostility, have had much more influence in dictating the appropriation of public money to the objects referred to by the Committee, than are consistent with a just and impartial administration of those branches of the public service to which the Committee have thought it material, particularly to draw the attention of the Council; and they are fully convinced that nothing can have a more direct tendency to sap the integrity of subordinate public servants, than the constant dread of having their stipends reduced or withheld, or the perpetual prospect being held out to them of their being increased at the mere motion of a popular body; and therefore they do urge upon the consideration of the Council the necessity of using all proper means to prevent the belief gaining ground that the only road to preferment is through the agency of the members of the Assembly, and more especially in matters connected with the administration of justice. During the progress of this investigation the message sent up to the Council on Monday last, upon the subject of this Bill, has been referred to the committee, wherein the Assembly declare that "they are at a loss to conceive how it would be more calculated to advance the business of the Legislature to a close, to have five new Supply Bills originated in the Assembly," in accordance with the resolutions of the Council therein referred to.

The Committee are of opinion that nothing can be more obvious than that by these means the most important grants would thus be at once concurred in, and that others upon which there might be a difference of opinion, would be brought under the consideration of both branches in such a shape that mutual explanations might conveniently be had upon them, and if, ultimately, the Council and Assembly could not agree upon them, they would be rejected without detriment to other matters. In this message, the Assembly endeavoured to throw the responsibility of not granting the ordinary supplies; of withholding the money for the relief of the poor, whom they represent to be upon the verge of starvation; and of refusing to pay the contingencies of the Legislature, upon the Council; but the most superficial view of the subject will be sufficient to correct an error so obvious, and to place the responsibility where the Committee are convinced it will ultimately rest, if the Assembly persevere in their present course; and especially when the determination of the Council upon this subject was made known to the Assembly so long ago as the 19th day of October last.

The Council in their resolutions have expressed their readiness to concur in passing the ordinary Supply Bill, for discharging those expenses of the Civil Government for which the public faith is pledged; that they will concur in paying the usual contingencies, although far exceeding the amount granted for that purpose in former years, together with the vote

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of 3,000*l.* or more if the Assembly desire it, for the poor; and that they will, contrary indeed to their own sentiments, agree to the members receiving 42*l.* each for their attendance during the Session; but this will not suffice; the Assembly insist upon several further sums very nearly approaching 1,000*l.* being given to themselves under various pretences, and to considerable sums being paid to persons selected by the Assembly, whose services the Council are not informed of; and it is thus that the poor are to be left to misery and starvation, because the members of the Assembly are not permitted by the Council to appropriate to themselves and their adherents, so much of the public money as they think proper to take.

The sums appropriated by the present Bill to be paid to the 14 members themselves, who have taken their seats, amount in the aggregate to upwards of 1,500*l.*; last year they were contented with one-fifth of that sum.

Last year the contingencies, including printing and the stipends to every officer and servant connected with the Assembly, amounted to 984*l.* 9*s.* 3*d.*, whilst this year their contingencies amount to 2,178*l.* 2*s.* 6*d.*, exclusive of 500*l.* appropriated by the Bill to defray the expense of three of their own body, as delegates, to treat with Her Majesty's Government on the subject of the administration of justice and other matters, and also exclusive of 215*l.* to the officers and servants of the Assembly appointed by the Crown, whose services the Assembly have refused to receive, whilst they propose to pay other persons for performing their functions, and so increase the charge upon the public by paying two sets of officers instead of one.

Thus it will be seen that the Assembly propose to increase the public expenditure this year over any preceding year, with reference to themselves and their officers, by the addition of the large sum of 1,908*l.* 10*s.* 9*d.*, and with what advantage to the colony the Committee are at a loss to perceive.

Upon a careful review of the whole subject, the Committee are opinion that since the Assembly have, notwithstanding their knowledge of the Council's determination, persisted in comprising in the same Bill appropriations for every description of expenditure; there is no course left for the Council to adopt, consistent with their sense of a just application of the public money, and of their repeated declarations of the principles upon which they must be governed; than to amend the Bill, by rejecting all such portions of it as they cannot, without further information, conscientiously concur in.

APPENDIX.

(No. 1.)

OFFICE.	PLACE.	Present Salary.	Salaries reduced or Augmented, withheld or originated, by the Assembly.	Number of Inhabitants.	No. of Males from 14 to 60 years of Age.
		<i>£.</i> <i>s.</i> <i>d.</i>	<i>£.</i> <i>s.</i> <i>d.</i>		
Constable -	Ferryland -	25 - -	12 - -	507	
Gaoler -	Ditto -	25 - -	20 - -	—	
Constable -	Bay Bulls -	25 - -	12 - -	609	
Ditto -	Renewse -	20 - -	12 - -	601	
Ditto -	Greenspond -	15 - -	12 - -	734	
Ditto -	St. Mary's -	12 - -	25 - -	441	
Ditto -	Catalina -	12 - -	24 - -	523	
Ditto -	Bonavista -	12 10 -	25 - -	1553	
Ditto -	Ditto -	12 10 -	- - -	-	
Ditto -	Trinity -	12 - -	- - -	1253	3564
Ditto -	Torbay * -	18 - -	- - -	758	
Ditto -	Cape Broyle† -	- - -	12 - -	210	530
Ditto -	Caplin Bay ‡ -	- - -	12 - -	193	
Ditto -	Aquaforte § -	- - -	12 - -	127	
Ditto -	St. Lawrence -	- - -	12 - -	232	200
Gaol barber -	St. Jchn's -	12 - -	15 - -	—	70
					64
					34

* 9 miles from St. John's. ‡ Under 3 miles from Ferryland.
† 6 miles from Ferryland. § 3 ½ miles from ditto.

(No. 2.)

OFFICE OR SERVICE.	APPROPRIATION.					
	1836.			1837.		
COUNCIL :	£.	s.	d.	£.	s.	d.
Clerk - - - - -	100	-	-	100	-	-
Usher - - - - -	50	-	-	50	-	-
Door-keeper - - - - -	35	-	-	35	-	-
Contingencies of Clerk - - - - -	112	19	7	196	14	1
Ditto - - of Usher - - - - -	7	11	11			
Master in Chancery - - - - -	100	-	-	100	-	-
	£.	405	11 6	481	14	1
ASSEMBLY :						
Speaker ; new grant, besides pay as a Member - - - - -	-	-	-	200	-	-
Clerk - - - - -	100	-	-			
Serjeant-at-Arms - - - - -	50	-	-			
Door-keeper, as usual - - - - -	35	-	-	35	-	-
Two under-doorkeepers, new offices - - - - -	-	-	-	50	-	-
Messenger, as usual - - - - -	30	-	-	30	-	-
Assistant ditto, new office - - - - -	-	-	-	20	-	-
Reporter, ditto - - - - -	-	-	-	50	-	-
Newspapers, new charge - - - - -	-	-	-	9	2	6
Newfoundlander, printing journals - - - - -	130	-	-	160	-	-
R. J. Parsons, proprietor Patriot, general printing - - - - -	49	-	-	160	-	-
Contingencies - - - - -	190	9	3	699	-	-
Fourteen members, at 42 l. each - - - - -	300	-	-	588	-	-
Solicitor - - - - -	100	-	-	100	-	-
Witnesses examined respecting the conduct of J. Stark, J. P. - - - - -	-	-	-	57	-	-
Messenger to Harbor Grace, to summon them - - - - -	-	-	-	20	-	-
	£.	984	9 3	2,178	2	6
Towards compensating Clerk, Serjeant-at-Arms, Door-keeper, and Mes- senger of the Assembly, appointed by the Crown - - - - -				215	-	-
	£.			2,393	2	6

(No. 3.)

[A] To the representatives of the late Wm. Phipard, in full for all claims on the colony - - - - -	£.	s.	d.
	40	-	-
[A] To Thomas Morton, late a constable in St. John's, for loss of office - - - - -	35	-	-
Towards defraying the expense of a geological survey of the island - - - - -	350	-	-
Towards supporting a grammar school at Carbonear, for three years, each year - - - - -	100	-	-
Towards defraying the expense of three delegates, appointed by the House of Assembly, to treat with Her Majesty's Government in London on the subject of the administration of justice, the agriculture, the fisheries, and the general state of the colony - - - - -	500	-	-
John Efford, (compensation for pulling down his store at Port-de-Grave) - - - - -	20	-	-
James Doyle, (maintaining an orphan from March 1832 to June 1837) - - - - -	36	19	6
James King, (building a bridge over Salmon Cove River) - - - - -	30	-	-
Dr. Walsh, (small pox attendance under board of health) - - - - -	25	-	-
Catherine Walsh, (sending lunatic to Ireland) - - - - -	10	-	-
Mrs. Mulloy, (supporting her husband, Dr. Mulloy, a lunatic) - - - - -	30	-	-
James M'Donald, Harbor Grace, (supporting a deserted child) - - - - -	15	-	-
Robert Tremlett, (supporting and sending to St. John's a blind pauper) - - - - -	15	-	-
Captain Pearl, (conveying petitions) - - - - -	50	-	-

[A] Of these persons, Phipard was high constable, at a salary of 100 l. a year, but withheld by the Legislature, the man being too old and infirm to do his duty ; while Morton, a petty constable, was dismissed for misconduct ; and yet the estate of the former, after his death, is granted 40 l. for two years' back pay, while the latter gets a year's pay voted at once.

118 CORRESPONDENCE RESPECTING THE GOVERNMENT OF

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Enclosure 8, in No. 10.

Encl. 8, in No. 10. STATEMENT (laid before House of Assembly) of Outstanding Claims on the Colonial Government.

ITEMS OF EXPENDITURE.										AMOUNT.			—		
										£.	s.	d.	£.	s.	d.
Printing, stationery, &c.	-	-	-	-	-	-	-	-	-	247	4	5			
Prosecutions	-	-	-	-	-	-	-	-	-	274	17	6			
Coroners	-	-	-	-	-	-	-	-	-	26	16	-			
Fuel and light	-	-	-	-	-	-	-	-	-	7	9	9			
Postage and incidentals	-	-	-	-	-	-	-	-	-	1	1	7			
Repairs of Gaols	-	-	-	-	-	-	-	-	-	53	17	11			
Relief of the poor	-	-	-	-	-	-	-	-	-	400	17	5			
Fog-guns	-	-	-	-	-	-	-	-	-	88	1	-			
													1,100	5	7
Attorney-general, witnesses	-	-	-	-	-	-	-	-	-				90	-	-
													1,190	5	7

COMPARATIVE STATEMENT of Sums estimated for the undermentioned branches of the Public Service (as laid before the House of Assembly by the Governor) and of the Sums voted to defray the same.

ITEMS.										ESTIMATE.			SUM VOTED.		
										£.	s.	d.	£.	s.	d.
Printing, &c.	-	-	-	-	-	-	-	-	-	550	-	-	350	-	-
Coroners	-	-	-	-	-	-	-	-	-	150	-	-	120	-	-
Fuel and light	-	-	-	-	-	-	-	-	-	300	-	-	200	-	-
Repairs of court-houses	-	-	-	-	-	-	-	-	-	180	-	-	100	-	-
Postages and incidentals	-	-	-	-	-	-	-	-	-	120	-	-	60	-	-
Prosecutions	-	-	-	-	-	-	-	-	-	900	-	-	500	-	-
Gaol expenses	-	-	-	-	-	-	-	-	-	700	-	-	352	-	-
Circuits	-	-	-	-	-	-	-	-	-	560	-	-	400	-	-
Contingencies	-	-	-	-	-	-	-	-	-	500	-	-	100	-	-
Fog-guns	-	-	-	-	-	-	-	-	-	250	-	-	nil.		
										4,210	-	-	2,182	-	-
										2,182	-	-			
Deficiency										2,028	-	-			
Add amount of outstanding claims as above										1,190	5	7			
Leaves totally unprovided for										3,218	5	7			

Enclosure 9, in
No. 10.

Enclosure 9, in No. 10.

THE governor, in the financial statement laid before the House of Assembly at the commencement of the present session, represented that there were outstanding claims upon the Government of 1,100 l., under the following heads.

										£.	s.	d.
Printing, stationery, &c.	-	-	-	-	-	-	-	-	-	247	4	5
Civil and criminal prosecutions	-	-	-	-	-	-	-	-	-	274	17	6
Coroners	-	-	-	-	-	-	-	-	-	26	16	-
Fuel and light	-	-	-	-	-	-	-	-	-	7	9	9
Postages and incidentals	-	-	-	-	-	-	-	-	-	1	1	7
Repairs of gaols	-	-	-	-	-	-	-	-	-	53	17	6
Relief of the poor	-	-	-	-	-	-	-	-	-	400	17	5
Firing fog-guns	-	-	-	-	-	-	-	-	-	88	1	-

And

And other demands on the Government have at later periods been laid before the House, for which, with the exception of one item, that of fog-guns, no provision seems to have been made.

His Excellency also forwarded an estimate of the sums requisite for the service of the current year, between which sums and those in the Bill passed by the House of Assembly there appear the following discrepancies.

	ESTIMATE.			SUM VOTED.		
	£.	s.	d.	£.	s.	d.
Printing, &c.	550	—	—	350	—	—
Coroners	150	—	—	120	—	—
Fuel and light	300	—	—	200	—	—
Repairs of court-houses	180	—	—	100	—	—
Postages and incidentals	120	—	—	60	—	—
Civil and criminal prosecutions	900	—	—	500	—	—
Gaol expenses	700	—	—	352	—	—*
Circuits	560	—	—	400	—	—
Contingencies	500	—	—	100	—	—
Fog-guns	250	—	—	nothing.		

* Including surgeon and barber.

The estimate was based upon the experience of former years, and if considered erroneous or excessive, his Excellency would have been and will still be happy to supply any information requested which he may possess upon the subject.

Should the debts continue unpaid, and the sums voted under certain heads be allowed to remain manifestly inadequate to the expense of the current year, not only will the dignity of the Government be injuriously compromised, but the public service must be suspended in some of its most important branches.

With respect to the amount of a vote of credit for unforeseen contingencies, the governor has only to remark that it seems requisite to combine with due caution as to its amount, a consideration of the difficulties in the way of assembling the legislature, arising from the climate and other circumstances, should any emergency call for a sudden and unexpected expenditure.

Government-House, 19 October 1837.

Enclosure 10, in No. 10.

TO His Excellency *Henry Prescott*, Esq., C. B., Governor, &c. &c.

Encl. 10, in No. 10.

May it please your Excellency,

THE House of Assembly, with reference to your Excellency's message on the subject of certain claims upon the Government, and of the estimates for the present year, respectfully inform your Excellency that, in their votes of monies for the service of the current year, they were actuated by a sincere desire to support the dignity of Government, and to give effect to all the necessary branches of the public service, and at the same time to keep the civil and judicial expenditure within those limits of economy which would enable the Assembly to devote as much as possible of the colonial revenues to the permanent improvement of the colony.

That, in the course of their examination of the public accounts, so far as they have been laid before the House of Assembly, they found that various charges had been paid or allowed exceeding greatly charges of a similar character in former years, and that some charges, of a novel description, had crept into the public accounts, which the House of Assembly did not deem it proper to recognize.

That, while the dietary of the prisoners in gaols had been reduced to the lowest scale on which perhaps human nature can in a climate like this exist, a corresponding reduction had not taken place in the gaol expenses; that, under the head of civil and criminal prosecutions, a number of costs and charges have been introduced, with which, waiving any question as to the propriety of prosecuting at all in many of the cases, the public purse under any circumstances ought not to be burthened; for neither in the parent country, nor in the other colonies in general, does the Government defray the expenses of prosecuting for common assaults and other petty misdemeanors; such expenses are either paid by the parties prosecuting, or form a subject for adjudication by the courts before which they may be tried

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With reference to the charges for fuel and light, for public buildings, and printing and stationery, it was discovered that a considerable portion of the former was consumed by the sheriff in his dwelling-house, and a not very trifling part of the expense of the latter incurred in the sheriff's office; and the House of Assembly, conceiving such appropriations to be without precedent elsewhere, and a useless expenditure of public money, made commensurate reductions in the respective votes.

The House of Assembly further beg to intimate to your Excellency, that the sums voted for circuits, and for civil and criminal prosecutions, are of the same amount as the sums voted for similar purposes in 1834, and that the sum voted for printing, &c. exceeds the sum voted last year; and as regards the estimate of charge for firing fog-guns, as it seems to be a general opinion that such expense may be saved without inconvenience, now that two light-houses are established near the port of St. John's, the House of Assembly respectfully request that your Excellency will be pleased to give directions to have the practice of firing fog-guns discontinued.

On a reference to the outstanding claims on the Government, to which your Excellency adverts, the amount charged for repairs of gaols appearing to be principally composed of a charge for the interior fitting up of the sheriff's dwelling-house, and for stoves for the sheriff, the House of Assembly cannot in anyway recognize such charges for the sheriff's house as payable out of the public revenue; nor can they admit the charges of stationery and printing for the sheriff's office, included in the public stationery and printing account, as chargeable upon that fund, and the House of Assembly must firmly dissent from any application of the public monies to either purpose.

Although the House of Assembly have, after a dispassionate consideration of the various estimates and public accounts submitted to them, arrived at the conclusion that considerable reductions might still be made, with advantage to the public, in several branches of the contingent expenses of the Government and courts of justice, yet, influenced by an earnest desire to relieve your Excellency from any embarrassment respecting any fair claims now subsisting against the Government, and to make up any necessary deficiency which may arise in any of the supplies of the present session, the House of Assembly, in order to enable your Excellency to meet these objects, have resolved to place at the disposal of your Excellency a further sum of 2,000*l*.

(signed) *Wm. Carson*, Speaker.

Encl. 11, in No. 10.

Enclosure 11, in No. 10.

Gentlemen,

As I am in the highest degree unwilling to enter into anything like a controversial discussion with the House of Assembly, I shall abstain from observation on various parts of this Address, and content myself with stating, that the estimates for the current year were prepared with care and attention; they were generally founded upon past experience, and in some particulars, upon prospective increase of expense, in consequence of recent legislative enactments..

I have always been and shall ever be ready to afford The House all the information in my power respecting accounts, and it is my wish to practise as strict an economy as the public exigencies will permit.

With respect to the fog-guns, as they are only fired by day and not by night, they are not rendered less important or necessary by the establishment of light-houses.

Great mischief may arise from their being discontinued, since vessels, relying on the correct computation of their latitude, run boldly for the port in the thickest weather, assured that the warning gun will give them timely notice of their approach to the shore.

I would, therefore, venture to recommend a further consideration of this subject, so important to our commercial interests and to human life.

Government House, 26 October 1837.

Enclosure 12, in No. 10.

Encl. 12, in No. 10.

AN ACT for granting to Her Majesty a Supply of Money for defraying the Expense of the Civil Government of this Colony, for the Year ending the 30th day of June, in the Year of our Lord 1838, and for other Purposes.

May it please Your Excellency,

WE, Her Majesty's dutiful and loyal subjects the Commons of Her Majesty's Island of Newfoundland, have freely and voluntarily resolved to give and grant to Her Majesty a supply to defray certain charges for the support of the Civil Government of the colony, the administration of justice, and the contingent expenses of the Legislature; and do humbly beseech your Excellency that it may be enacted, and—

Be it therefore enacted by the Governor, Council, and Assembly of Newfoundland, that from and out of such monies as from time to time shall be and remain in the hands of the treasurer of this island, and unappropriated, there shall be granted to Her Majesty, her heirs and successors, the sum of 19,068*l.* 2*s.*, which said sum shall be applied in payment of the following charges for the year commencing on the 1st day of July 1837, and ending on the 30th day of June 1838 inclusive, and for the other purposes as hereinafter expressed; that is to say:—

	£.	s.	d.
Towards defraying the salary of the clerk of Her Majesty's Council -	200	-	-
Towards defraying the salaries of two clerks in the Secretary's office -	400	-	-
Towards defraying salaries of an office-keeper and messenger in Secretary's office -	105	-	-
Towards defraying the salary of the clerk of the Northern Circuit Court	200	-	-
Towards defraying the salary of the clerk of the Southern Circuit Court	200	-	-
Towards defraying the salary of the crier and tipstaff of the Supreme Court -	60	-	-
Towards defraying the salary of the gaoler of St. John's -	50	-	-
Towards defraying the salary of one police magistrate for the district of St. John's -	250	-	-
Towards defraying the salary of a second police magistrate for the district of St. John's -	250	-	-
Towards defraying the salary of the high constable of the district of St. John's -	80	-	-
Towards defraying the salaries of six police constables in the district of St. John's, at the rate of 45 <i>l.</i> each -	270	-	-
Towards defraying the salary, office-rent, and all contingencies of the Colonial Treasurer -	400	-	-
Towards defraying the salary of one police magistrate at Harbour Grace	150	-	-
Towards defraying the salary of one police magistrate at Twillingate and Fogo -	100	-	-
Towards defraying the salaries of three police constables at Harbour Grace; being 35 <i>l.</i> for the high constable, and 25 <i>l.</i> for each of the other two -	85	-	-
Towards defraying the salary of the gaoler at Harbour Grace -	50	-	-
Towards defraying the salary of one stipendiary magistrate at Carbonear	120	-	-
Towards defraying the salaries of three police constables at Carbonear; being 25 <i>l.</i> each -	75	-	-
Towards defraying the salary of one stipendiary magistrate at Brigus -	120	-	-
Towards defraying the salary of a constable at Brigus, and the salary of a constable at Port-de-Grave; being 25 <i>l.</i> each -	50	-	-

A further sum of 372*l.* towards defraying the salaries of gaolers and constables in the following outports; that is to say:—

A constable at Bay-de-Verds -	12	-	-
A constable at Harbour Main -	12	-	-
A constable at Cat's Cove -	12	-	-
A constable at Western Bay -	12	-	-
A constable on the south shore -	12	-	-
A constable at Ferryland -	12	-	-
A constable at Bay of Bulls -	12	-	-
A constable at Toad's Cove -	12	-	-
A constable at Cape Broyle -	12	-	-
A constable at Caplin Bay -	12	-	-
A constable at Aquafort -	12	-	-
A constable at Fermuse -	12	-	-
A constable at Renew's -	12	-	-
A constable at Placentia -	25	-	-
A constable at Little Placentia -	12	-	-
A constable at Barren Islands -	12	-	-
A constable at Merasheen -	12	-	-

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	£.	s.	d.
A constable at Burin - - - - -	25	-	-
A constable at Saint Lawrence - - - - -	12	-	-
A constable at Lameline - - - - -	12	-	-
A constable at Saint Mary's - - - - -	25	-	-
A constable at Trepassey - - - - -	12	-	-
A constable at Harbour Britain - - - - -	12	-	-
A constable at Grand Bank - - - - -	12	-	-
A gaoler at Ferryland - - - - -	20	-	-
A gaoler at Placentia - - - - -	25	-	-
Towards defraying the salary of a stipendiary magistrate at Bay of Bulls	100	-	-
Towards defraying the salary of a stipendiary magistrate at Ferryland -	100	-	-
Towards defraying the salary of a stipendiary magistrate at Placentia -	100	-	-
Towards defraying the salary of a stipendiary magistrate at Burin -	100	-	-
Towards defraying the salary of the stipendiary magistrate at St. Mary's	100	-	-
Towards defraying the salary of the stipendiary magistrate at Harbour Britain -	100	-	-
Towards defraying the salary of the stipendiary magistrate at Trinity -	120	-	-
Towards defraying the salaries of a gaoler and constable in certain out-ports; that is to say, a gaoler at Trinity, 25 <i>l.</i> ; one constable at Trinity, 25 <i>l.</i> ; a constable at Catalina, 24 <i>l.</i> - - - - -	74	-	-
Towards defraying the salary of a stipendiary magistrate at Bonavista -	100	-	-
Towards defraying the salaries of constables in the following outports; that is to say:			
A constable at Bonavista - - - - -	£. 25	-	-
A constable at Greenspond - - - - -	12	-	-
Three constables at Twillingate and Fogo - - - - -	49	-	-
A constable at Exploits Bay - - - - -	12	-	-
A constable at Brigus South - - - - -	12	-	-
A constable at Witless Bay - - - - -	12	-	-
A constable at Petty Harbour - - - - -	20	-	-
A constable at Old Perlican - - - - -	12	-	-
A constable at Heart's Content - - - - -	12	-	-
A constable at Hant's Harbour - - - - -	12	-	-
A constable at New Harbour - - - - -	12	-	-
	190	-	-
For defraying the Attorney-general's fees, and in lieu thereof - -	250	-	-
Towards defraying the deficiency arising from an error in the Government estimate of the salaries of six police constables at St. John's, for the quarter ending 30th June 1837 - - - - -	22	10	-
To defray the expense of civil and judicial printing and stationery, exclusive of the sheriff's office - - - - -	350	-	-
Towards defraying the expense of civil and criminal prosecutions - -	500	-	-
To defray the dietary, clothing, washing, &c., and for other incidental expenses for prisoners throughout the island - - - - -	300	-	-
Towards defraying the expenses of the ordinary repairs of court-houses and gaols - - - - -	100	-	-
To defray the expenses of coroners - - - - -	120	-	-
To defray the expenses of fuel and light for public buildings, exclusive of the sheriff's house and offices - - - - -	200	-	-
To defray the salary of the medical attendant of the gaol of St. John's, provided that the medical attendant of the gaol shall not hold the appointment of district surgeon or medical attendant of the poor of the district of St. John's - - - - -	40	-	-
To defray the salary of the barber of the gaol of St. John's - - - -	15	-	-
Towards defraying the salary of the medical attendant of the gaol at Harbour Grace - - - - -	20	-	-
Towards defraying the expenses of postage, &c. - - - - -	60	-	-
Towards defraying the expenses of the hiring of vessels, and covering all the other expenses of the judges on the usual circuits - - - -	400	-	-
Towards compensating James Blaikie, Esq., for the loss of income produced by the Act for the amalgamation of the office of clerk of the Central Circuit Court with that of the clerk of the Supreme Court, for the year ending 30th June 1838 - - - - -	100	-	-
Towards defraying the expense of removing rocks and obstructions in Quidi Vidi Harbour, to be expended under the same superintendence as last year - - - - -	200	-	-
Towards defraying the expenses of unforeseen contingencies for the year ending 30th June 1838 - - - - -	100	-	-
As additional remuneration to William Goff, for taking census of St. John's - - - - -	15	-	-
As additional remuneration to Michael Hayes for taking census of Conception Bay - - - - -	15	-	-

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	£.	s.	d.	NEWFOUND- LAND.
Towards compensating John Efford for his store and stage, containing craft and other property, cut down by order of the magistrates, to save the harbour of Port-de-Grave from being burnt on the night of the 5th January 1837 - - - - -	20	-	-	
Towards compensating James Doyle, of Carbonear, for maintaining an orphan child since March 1832 to 30th June 1837 - - - - -	36	19	6	
Towards defraying the expenses of erecting a grand jury room in Harbour Grace - - - - -	50	-	-	
Towards remunerating John King for having erected a commodious and useful bridge over Salmon Cove River - - - - -	30	-	-	
Towards remunerating Dr. Walsh, of Carbonear, for services performed professionally under the board of health during the prevalence of small pox - - - - -	25	-	-	
As a retiring allowance to John Buckingham, of Carbonear, Esq., in consideration of his past services as a stipendiary magistrate in Conception Bay - - - - -	60	-	-	
To defray the expenses of a special messenger, and of witnesses examined at the bar of the House of Assembly in the following manner, that is to say: To Thomas Ridley, James Bayly, James L. Prendergast, James Sharp, John Jacob, the representatives of the late James Hippisley, Robert J. Pinsent, William Stirling, Alfred Mayne, and John Fennell, each 5 l.; Thomas Byrne, 1 l.; Thomas Byrne, road-surveyor, 6 l. - - - - -	57	-	-	
Special messenger - - - - -	20	-	-	
	77	-	-	
Towards relieving the poor of the outports of this island for the year ending June 30, 1838, provided that the same shall be disbursed by Boards of Commissioners, to be appointed by his Excellency the Governor in the several electoral districts; and the particulars of such disbursements shall be returned to his Excellency half-yearly, in detail, which returns shall be published in some public newspaper in St. John's; and provided further that the said sum shall be appropriated in manner following: that is to say, for the district of Conception Bay, 600 l.; that is to say, to be expended in Carbonear, 200 l.; Harbour Grace, 200 l.; and in Brigus, 200 l.; St. Mary's and Placentia, 150 l.; Trinity, 150 l.: that is to say, 75 l. to be expended at Trinity harbour, and 75 l. at Hants harbour; Burin, 150 l.; Ferryland, 150 l.; Bonavista, 150 l.; Fogo and Twillingate, 150 l. - - - - -	1,500	-	-	
Towards relieving the poor of the district of St. John's for the same period, provided that the same shall be disbursed by a Board of Commissioners to be appointed by his Excellency the Governor, and the particulars of such disbursements shall be returned to his Excellency half-yearly, in detail; which returns shall be published in some public newspaper in St. John's. And provided further, that his Excellency the Governor be empowered to nominate and appoint four medical practitioners resident within the district, to act as, and be the district surgeons, or medical attendants, of the district of St. John's; and to deduct the sum of 120 l. from the said sum towards defraying the salaries of the four district surgeons of St. John's, being the sum of 30 l. for each for the same period; and a further sum of 40 l. towards the purchase of medicines to be dispensed in the town of St. John's, and that there be called for, by public notice, tenders for the supply and dispensing such medicines, and the lowest tender shall be preferred; and that a further sum of 50 l. be placed at the disposal of the Indigent Sick Society - - - - -	1,500	-	-	
Towards compensating Matthew Stevenson, late clerk of the peace at Harbour Grace, for the loss of his office - - - - -	40	-	-	
Towards compensating George Hippley, for services performed by him as assayer of weights and measures - - - - -	15	-	-	
Towards remunerating Thomas Williams, assayer of weights and measures for the district of St. John's, for his services and expenditure as such assayer - - - - -	50	-	-	
Towards defraying the salary of the stipendiary magistrate at Grand Bank - - - - -	100	-	-	
Towards compensating Catherine Walsh, of Brigus, for paying the passage of a lunatic to Ireland - - - - -	10	-	-	
Towards supporting Johanna Armstrong, widow of William Armstrong, late marshal of the Supreme Court - - - - -	50	-	-	
To defray an addition to the salary of John Howson, office-keeper in the secretary's office - - - - -	15	-	-	
To the representatives of the late William Phippard, in full for all claims on this colony - - - - -	40	-	-	
To Johanna Mulloy, wife of Dr. Mulloy, of Harbour Grace, for the support of her husband, being a lunatic - - - - -	30	-	-	

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	£.	s.	d.
Towards remunerating the chairman of the Central Board of Commissioners of Roads, under Act 6 Will. 4, c. 15, for his services - -	100	-	-
Towards compensating William Martin, for his past services as high constable of Conception Bay - - - - -	26	-	-
To defray the expenses of the general election of 1837, as follows:— Expenses incurred for the election at St. John's, 56 <i>l.</i> 9 <i>s.</i> 7 <i>d.</i> ; returning-officer, 25 <i>l.</i> ; poll-clerk, 10 <i>l.</i> Expenses incurred at Fortune Bay, 1 <i>l.</i> 14 <i>s.</i> 8 <i>d.</i> ; returning-officer, 25 <i>l.</i> ; poll-clerk, 10 <i>l.</i> Expenses incurred at Burin, 14 <i>l.</i> 10 <i>s.</i> 4 <i>d.</i> ; returning-officer, 25 <i>l.</i> ; poll-clerk, 10 <i>l.</i> Expenses incurred at Placentia and St. Mary's, 9 <i>l.</i> 10 <i>s.</i> 8 <i>d.</i> ; returning-officer, 25 <i>l.</i> ; poll-clerk, 10 <i>l.</i> Expenses incurred at Ferryland, returning-officer, 25 <i>l.</i> ; poll-clerk, 10 <i>l.</i> Expenses incurred at Conception Bay, 37 <i>l.</i> 12 <i>s.</i> 8 <i>d.</i> ; returning-officer, 25 <i>l.</i> ; poll-clerk, 10 <i>l.</i> Expenses incurred at Trinity Bay, 1 <i>l.</i> 4 <i>s.</i> ; returning-officer, 25 <i>l.</i> ; poll-clerk, 10 <i>l.</i> Expenses incurred at Bonavista, 3 <i>l.</i> 8 <i>s.</i> 8 <i>d.</i> ; returning-officer, 25 <i>l.</i> ; poll-clerk, 10 <i>l.</i> Expenses incurred at Fogo, 13 <i>l.</i> ; returning-officer, 25 <i>l.</i> ; poll-clerk, 10 <i>l.</i> - - - - -	452	10	7
Towards defraying the salary of the clerk of Her Majesty's Council for the present session - - - - -	100	-	-
Towards defraying the salary of the Master in Chancery attending Her Majesty's Council for the present session - - - - -	100	-	-
Towards defraying the salary of the usher of the black rod - - - - -	50	-	-
Towards defraying the salary of the door-keeper of Her Majesty's Council - - - - -	35	-	-
To the clerk of Her Majesty's Council, to defray the contingent expenses of Her Majesty's Council during the present session - - - - -	196	14	1
Towards defraying the salary of the Honourable the Speaker of the House of Assembly - - - - -	200	-	-
Towards defraying salary of Solicitor of the House of Assembly for the present session - - - - -	100	-	-
To the door-keeper of the House of Assembly for his services during the present session - - - - -	35	-	-
To two under door-keepers of the House of Assembly for their services during the present session, at 25 <i>l.</i> each - - - - -	50	-	-
To the messenger of the House of Assembly for his services during the present session - - - - -	30	-	-
To the assistant messenger of the House of Assembly for his services during the present session - - - - -	20	-	-
To the reporter of the House of Assembly for his services in reporting, &c. of the House of Assembly during the present session - - - - -	50	-	-
To the librarian of the Legislature for her services - - - - -	15	-	-
To the treasurer of this colony for procuring copies of certain public accounts - - - - -	15	-	-
For arrears due to John Shea for printing journals of House of Assembly last session - - - - -	56	16	3
Towards discharging the arrears of expense of firing fog guns from the 1st July 1836 to the 31st December 1836 - - - - -	88	1	-
Towards defraying the expenses under the following general heads, for the quarter ending June 30th 1837, being one-fourth of the several sums voted for those purposes, as hereinbefore mentioned, that is to say: civil and judicial printing, 87 <i>l.</i> 10 <i>s.</i> ; criminal prosecutions, 125 <i>l.</i> ; expenses of prisoners, 75 <i>l.</i> ; repairs of gaols and court-houses, 25 <i>l.</i> ; coroners, 30 <i>l.</i> ; fuel and light, 50 <i>l.</i> ; medical attendant at gaol of St. John's, 10 <i>l.</i> ; ditto at Harbour Grace gaol, 5 <i>l.</i> ; barber at gaol of St. John's, 3 <i>l.</i> 15 <i>s.</i> ; postages, 15 <i>l.</i> ; contingencies, 25 <i>l.</i> ; and also to the poor of St. John's, a further sum of 250 <i>l.</i> ; and to the poor of Outports, 250 <i>l.</i> - - - - -	951	5	-
Towards defraying the expense of a geological survey of this island - -	350	-	-
Towards defraying the fees of the Solicitor-general - - - - -	92	17	-
Towards remunerating James M'Donald, of Harbour Grace, for supporting a deserted child (Thomas Fanning) - - - - -	15	-	-
Towards remunerating Robert Tremlett, of Twillingate, for supporting and transmitting to St. John's a blind pauper - - - - -	15	7	6
To the Hon. the Speaker of the House of Assembly, to defray the expenses of newspapers for the House of Assembly; that is to say, the Patriot newspaper, 1 <i>l.</i> 5 <i>s.</i> ; Royal Gazette, 1 <i>l.</i> 1 <i>s.</i> ; Public Ledger, 1 <i>l.</i> 11 <i>s.</i> 6 <i>d.</i> ; Newfoundlander, 1 <i>l.</i> 1 <i>s.</i> ; Times, 1 <i>l.</i> 1 <i>s.</i> ; Mercury, 1 <i>l.</i> 1 <i>s.</i> ; Star, 1 <i>l.</i> 1 <i>s.</i> ; Sentinel, 1 <i>l.</i> 1 <i>s.</i> - - - - -	9	2	6
Towards compensating Stephen J. Daniel, late of Carbonear, for services performed as assayer of weights and measures - - - - -	15	-	-

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	£.	s.	d.	NEWFOUND- LAND.
Towards defraying the charges of registering voters, as follows:—In the district of St. John's, Thomas O'Connor, 2 <i>l.</i> 5 <i>s.</i> ; Robert Holden, 8 <i>l.</i> ; James Finlay, 10 <i>l.</i> ; John M'Lennan, 2 <i>l.</i> 6 <i>s.</i> 1 <i>d.</i> ; John Torr, 1 <i>l.</i> 14 <i>s.</i> 7 <i>d.</i> ; John Freeman, 1 <i>l.</i> 14 <i>s.</i> 7 <i>d.</i> ; William Heaney, 1 <i>l.</i> 14 <i>s.</i> 7 <i>d.</i> ; Thomas Morton, 1 <i>l.</i> 14 <i>s.</i> 7 <i>d.</i> ; Henry Winton, stationery, 9 <i>l.</i> 13 <i>s.</i> 3 <i>d.</i> In Conception Bay: Thomas Danson, 7 <i>l.</i> 7 <i>s.</i> ; John Buckingham, 2 <i>l.</i> 2 <i>s.</i> ; William Stirling, 8 <i>l.</i> 8 <i>s.</i> ; Richard Rankin, 8 <i>l.</i> 8 <i>s.</i> ; James Sharp, 5 <i>l.</i> 5 <i>s.</i> ; Benjamin Rowe, 3 <i>l.</i> 11 <i>s.</i> ; Daniel Bearn, 4 <i>l.</i> 10 <i>s.</i> ; John Barres, 3 <i>l.</i> ; Thomas Butler, 4 <i>l.</i> 10 <i>s.</i> ; William Smith, 2 <i>l.</i> 10 <i>s.</i> ; Robert Connell, 2 <i>l.</i> 10 <i>s.</i> ; William Mulowney, 2 <i>l.</i> 10 <i>s.</i> In Trinity Bay, John Reagan, 8 <i>l.</i> ; James, constable (for 1835), 13 <i>s.</i> 4 <i>d.</i> ; John Collins (1835), 1 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i> ; Martin Ady (1835), 2 <i>l.</i> ; John Randell (1835), 2 <i>l.</i> ; William James, constable, 1 <i>l.</i> ; Thomas Green, for boat-hire, 2 <i>l.</i> 10 <i>s.</i> ; Charles Granger, 2 <i>l.</i> 10 <i>s.</i> ; Benjamin Sweetland, 5 <i>l.</i> In Bonavista Bay, Samson Mifflin, 7 <i>l.</i> 10 <i>s.</i> ; J. L. Oakley, 7 <i>l.</i> 10 <i>s.</i> ; James Allen (1835), 5 <i>l.</i> In Ferryland, William Traynor, 4 <i>l.</i> ; William Sweetland (1835), 3 <i>l.</i> 3 <i>s.</i>	145	16	7	
Towards defraying extra expenditure of James Wiseman, in enumerating the census in Trinity Bay	15	—	—	
To the honourable the Speaker of the House of Assembly, to defray the contingent expenses of the House of Assembly during the present session	699	—	—	
To defray the expenses and remuneration of J. B. Bearn, as assayer of weights and measures at Brigus and Port de Grave, in Conception Bay	15	—	—	
Towards compensating the clerk, serjeant-at-arms, doorkeeper and messenger appointed by the Crown to the House of Assembly; that is to say, Edward Mortimer Archibald, Esq., 100 <i>l.</i> ; Elias Rendell, 50 <i>l.</i> ; John Stephenson, 35 <i>l.</i> ; William Kelly, 30 <i>l.</i>	215	—	—	
To the proprietors of the Newfoundlander, towards defraying the expense of printing the Journals of the House of Assembly for the present session	160	—	—	
To Richard Perchard, housekeeper of the Legislature	10	—	—	
Towards paying the representatives of the following districts, 1 <i>l.</i> per diem each, for 42 days' attendance during the present session; that is to say, the Members for the districts of St. John's, Conception Bay, Bonavista Bay, Trinity Bay, Fogo, Ferryland, Placentia, and St. Mary's and Burin; such sums to be paid on the certificate of the Speaker	588	—	—	
To Robert John Parsons, to defray the expenses of the general printing of the House of Assembly	160	—	—	
Towards defraying the expenses of Captain Pearl, Royal Navy, incurred in conveying petitions to His late Majesty's Government, praying the establishment of a Local Legislature	50	—	—	
Towards defraying the expenses incurred by Thomas Chancey in the fitting up the sessions house of Carbonear	11	2	—	
In addition to the salary of the chairman of the sessions for the district of St. John's	100	—	—	
Towards compensating Thomas Morton for past services	35	—	—	
To the clerk of the peace of Harbour Grace	18	—	—	
For three years from 8th May 1838, towards supporting a grammar school at Carbonear, under the direction of the following board of directors, that is to say, Robert Pack, John Walsh, M.D., William B. Bemister, and Felix M'Carthy	100	—	—	
Towards defraying the expenses of three delegates appointed by the House of Assembly, to treat with Her Majesty's Government in London on the subject of the administration of justice, the agriculture, the fisheries, and the general state of the colony	500	—	—	
To his Excellency the Governor, towards liquidating outstanding claims on the executive, and to meet prospective deficiencies	2,000	—	—	
To remunerate the two clerks in the secretary's office for extra labour arising from the present session having been protracted to a period of four months	50	—	—	

And be it further enacted, that the sums of money hereby granted shall be paid by the treasurer of the colony, in discharge of such warrant or warrants as shall be issued by the Governor, or person administering the government of the colony for the time being, in favour of any person or persons, to be applied to the purposes of this Act; and that it shall not be lawful for the said treasurer to pay any sum or sums of money out of the treasury of the colony, other than such as are expressed and directed in this or some other Act or Acts of the Legislature of this colony.

NEWFOUND-
LAND.

— No. 11. —

(No. 169.)

No. 11.

COPY of a DESPATCH from Lord *Glenelg* to Governor *Prescott*.

Sir,

Downing-street, 1 February 1838.

I HAVE had the honour to lay before The Queen the address from the Council of Newfoundland, in their legislative capacity, which was enclosed in your despatch, No. 61, of the 22d November 1837, on the subject of the questions controverted between that body and the House of General Assembly during the last Session, and I have received Her Majesty's commands to return the following answer.

The Queen deeply regrets the inconvenience to which Her faithful subjects in Newfoundland will be exposed by the loss of the Bill of Supply for the current year, and regards with lively concern the jealousies between the two branches of the local Legislature which led to that unfortunate result. The Queen, however, indulges the hope that Her mediation will be accepted by both the parties to this discussion, and that it will be effectual for re-establishing a good understanding between them, especially as their conflicting claims appear to originate rather in a mutual misapprehension than in any deeper and more settled cause.

The constitution of the Legislature of Newfoundland is avowedly modelled on that of the Imperial Legislature. With regard to money grants, however, a distinction prevails. In the House of Commons no grant of money can be initiated except by the Crown. This rule, practically, does not exist in the House of Assembly, nor, indeed, in the Houses of Assembly of the British Provinces on the continent in North America. In the latter a substitute has been devised, not less effectual in its operation, and more consonant with the general spirit of the provincial constitution. It consists in the practice of either granting the supplies for the year by a series of Bills, each of which is in turn sent up to the Council for acceptance, or in granting the supplies by separate resolutions, in each of which successively the concurrence of the Council is obtained before it is included in the general Appropriation Act. In this respect the Assemblies are subject to a restriction from which the House of Commons is exempt, a restriction which has still in view the same object, that of affording to the people a security against the misuse of that high trust which the constitution commits to their representatives.

If the Assembly should establish and exercise the double right of deciding without intervention of the Crown, first, on the amount of the public expenditure, and secondly, on the specific objects to which it should be applied; and if the only practical check on this power should consist in the right to reject all the votes of the Session collectively, it is plain that a system would be introduced unknown either in the mother country or in the British North American Provinces; and it is equally plain that such a system would be attended with very grave inconvenience. Besides other evil consequences, it would reduce the Council and the Governor to the dilemma of making, with a view to place, concessions disapproved by their deliberate judgment, or of acting on that judgment to the derangement for 12 months of the whole internal economy of the local Government.

Her Majesty is therefore of opinion that the House of Assembly would exercise a sound and enlightened judgment in acquiescing, either in the parliamentary rule which leaves to the Crown the first suggestion of all money grants, or in the rule of the provincial Legislatures, which brings every such grant under the separate revision of the Council; otherwise, the extreme right on the one side, must be encountered by a right equally extreme on the other side, and the contests between the two Houses of Local Legislature must be pursued at the expense of the people.

But although there can be no doubt that the Council should exercise freely and fearlessly the right of rejecting an Appropriation Act, it does not therefore follow that a judicious use was made of this right on the present occasion. Her Majesty having been appealed to by the Council, desires to express, though with every feeling of respect for the Council, a different opinion.

The

The Appropriation Bill appears to have been rejected by the Council because various important services were provided for inadequately; because the supply was voted in such very minute detail as to bring under the revision of the Assembly the case of each public officer, not excepting those who filled the most humble and obscure places; and because the sums voted for contingencies were considered as an unjustifiable diversion of the public revenue from its proper objects to the personal advantage of the individual members of the House of Assembly. However much the deficiency of the supply, or the extreme minuteness of the appropriation might justly be regretted, these circumstances do not seem to afford any valid reason for the rejection of the Bill. The third reason indeed involves so grave an imputation, that it is difficult even to discuss it without touching on the deference due to the Representative Assembly of Newfoundland. Such an imputation, it is clear, ought not to be cast without the utmost caution, and on the clearest proof. It is of course not to be admitted merely on inference and conjecture; nor does the amount of money involved in the question warrant such a conclusion. Considering also that such an unworthy abuse of the most sacred and honourable public trust could hardly fail to be visited with the censure of society at large, the Council might, it should seem, safely refer the offending parties to the tribunal of public opinion, with a reasonable security that at no distant time it would be expressed in unequivocal terms even against those who for the moment might appear to enjoy the most unbounded popularity. If it were necessary to believe that such abuses had been really practised, it might well be doubted whether the authors of them would not derive impunity and encouragement from the public favour so readily bestowed on those who are engaged in a contest, of which popular franchises are at least the invariable pretext. The case therefore ought to be exceedingly clear and strong, which would justify the rejection of a Bill of Supply on the ground of selfish misappropriation of the public money by the House of Assembly.

During a session of four months continuance the sums appropriated under the head of contingencies amounted to 2,393*l.* 6*s.* 3*d.*, a sum considerable, it is true, when compared with the expenditure for other branches of the public service, and probably admitting of some retrenchment in future years; but not so large as to justify the very serious reproach cast on the Assembly, of lavishly voting, for their own benefit as individuals, money which ought to have been applied for the good of the public collectively. The practice of claiming a remuneration for serving on the Assembly, or at least an indemnity against the expenses of such service, cannot reasonably be condemned; it is sanctioned by many precedents, and by many considerations of great weight. In the very delicate office of assessing the amount of their own remuneration, there can hardly be a doubt that the members of the House of Assembly will, on consideration, see the propriety of leaving to the Council a control of the most unfettered kind, and will admit that this is a branch of the public expenditure over which it is emphatically needful that a constitutional jealousy should be exercised.

Adverting to the whole of this subject, The Queen commands me to signify through you to the Council Her Majesty's opinion that, if a Bill of Supply and Appropriation, substantially corresponding with the present, should again be sent up by the House of Assembly, it ought not to be rejected on the grounds assigned by the Council for the rejection of the present Bill.

I have, &c.

(signed) *Glenelg.*

— No. 12. —

No. 12.

EXTRACT of a DESPATCH from Governor *Prescott* to Lord *Glenelg*; dated Newfoundland, 9 December 1837.

I HAVE the honour to enclose an Address to Her Majesty from the House of Assembly of the Island of Newfoundland.

NEWFOUND-
LAND.

Enclosure in No. 12.

Encl. in No. 12. To the Queen's Most Excellent Majesty:—The humble Address of the House of Representatives of the Island of Newfoundland, in General Assembly convened.

May it please your Majesty,

WE, your Majesty's most faithful subjects, the Commons of Newfoundland, in General Assembly convened, most reverently and respectfully approach your most gracious Majesty's throne, and with sentiments of the deepest and most sincere attachment beg leave to offer the humble tribute of our heartfelt sympathy for your Majesty's bereavement, and the national affliction, on the occasion of the departure from this world of our late beloved sovereign, your Majesty's uncle, of glorious and happy memory.

Under the mild and beneficent administration of that great and good monarch, the genius of liberty and reform spread her influence over the land, and wherever she smiled contentment and happiness were awakened, because Government became impartial, and justice accessible to all the people; the fetters fell from the feet of the captive, and he lifted up his hands, unmanacled, in thanksgiving, pouring benedictions upon his royal benefactor. While the encouragement of commerce and industry bespoke a solicitude for national prosperity, the mitigation of the severity of the penal code testified an inherent love of the truly royal attribute of mercy, and the tranquillization of Ireland was commemorative of a love of justice calculated to endear his memory to the latest posterity.

But while your Majesty's loyal subjects of Newfoundland concur in this universal sentiment of grateful remembrance of favours poured upon other countries under the dominion of Britain, their gratitude is particularly called forth by his late Majesty's attention to the interest of this colony, manifested in his graciously according the blessing of self-legislation to a people whose distance from the seat of Government rendered a local legislature necessary to promote their prosperity, and that feeling is peculiarly enhanced by the last act of his Majesty's life, as connected with this island; the opening the prison gates upon electors unjustly condemned to loss of liberty because they had dared to use their franchise freely.

The principal institutions of Newfoundland are young—her courts of justice and her legislature; and they particularly need your Majesty's fostering care to guide them through the difficulties naturally surrounding infant establishments, and your Majesty's people in this distant but important colony therefore hail the commencement of your most august Majesty's reign as bearing auspicious promise of improvement.

Most gracious Queen, permit your Majesty's faithful Commons of Newfoundland to bear to your Majesty their ardent felicitations on your Majesty's happy accession to the throne of your forefathers, and to express an humble but sincere prayer that your Majesty may be destined to bring to maturity all those great measures of improvement which owed their inception to your Majesty's royal predecessors, and to ratify all the fond hopes of your people by a long, a happy, and an illustrious reign.

House of Assembly,
16 October 1837.

(signed) *Will. Carson,*
Speaker.

No. 13.

— No. 13. —

(No. 167.)

COPY of a DESPATCH from Lord *Glenelg* to Governor *Prescott*.

Sir,

Downing-street, 6 January 1838.

I HAVE had the honour to lay before The Queen the address from the House of Assembly of Newfoundland, dated the 16th of October, and enclosed in your despatch, No. 67, of the 9th December last; and I have received Her Majesty's commands to instruct you to inform the House of Assembly that Her Majesty has received with much satisfaction the assurances contained in their address of the attachment of that House to Her person and Government, and to the constitution under which they live; and that the House may be assured that Her Majesty will at all times be ready to co-operate with them in promoting the welfare of that ancient and valuable possession of the British Crown.

I have, &c.
(signed) *Glenelg.*

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